

**APPENDIX T**

**Responses to Comments**





## Comments on the Draft EIS and Responses Index

Document Number      Commentor

### **FEDERAL AGENCIES**

FA1	U.S. Department of Agriculture (USDA)
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FA3	U.S. Department of the Interior (USDOI)
FA4	U.S. Environmental Protection Agency (EPA)
FA5	U.S. Department of the Interior - Fish and Wildlife Service
FA6	U.S. Department of the Interior - Fish and Wildlife Service

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### **LOCAL AGENCIES**

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LA4	Marshall County Commission, West Virginia
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LA6	Jefferson County Port Authority

### **NATIVE AMERICAN TRIBES**

NAT1	Miami Tribe of Oklahoma
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### **COMPANIES AND ORGANIZATIONS**

CO1	Ohio Ecological Food and Farm Association
CO2	Goldman and Braunstein, LLP
CO3	FreshWater Accountability Project
CO4	Ohio Ecological Food and Farm Association
CO5	Thornburg and Bean
CO6	Michigan Chemistry Council
CO7	GMEC Environmental Counseling

CO8	The Ohio Manufacturers' Association
CO9	JJP Worldwide Capital Investments, LLC
CO10	Washington County Chamber of Commerce
CO11	Thornburg and Bean
CO12	Bricker and Eckler
CO13	Food and Water Watch
CO14	Harrington, Hoppe and Mitchell, Ltd.
CO15	Sierra Club Michigan Chapter
CO16	Marhofer / Campbell Development Co., LLC
CO17	International Brotherhood of Electrical Workers
CO18	Ohio Farm Bureau
CO19	Food and Water Watch (form letters)
CO20	Emens and Wolper Law Firm, LPA
CO21	Vorys, Sater, Seymour and Pease LLP
CO22	Goldman and Braunstein, LLP
CO23	Craig J. Wilson
CO24	Stark Development Board, Inc.
CO25	Eagle Manufacturing Company
CO26	Emens and Wolper Law Firm, LPA
CO27	West Virginia Oil and Natural Gas Association
CO28	Goldman and Braunstein, LLP
CO29	Business Development Corporation of the Northern Panhandle
CO30	Denex Petroleum Corporation
CO31	The Ohio Manufacturers' Association
CO32	Enervest Operating, LLC
CO33	Ohio Hotel and Lodging Association
CO34	Emens and Wolper Law Firm, LPA

## **INDIVIDUALS**

IND1	Amalie Lipstreu
IND2	Charles N. Steele, Ph.D.
IND3	Rachel Garrison
IND4	Chris Beebe
IND5	David Daniel & Jeanne Littlefield Daniel Trust
IND6	Sherry L. Miller
IND7	Frank Zaski
IND8	Jeff Johnson
IND9	Frank Zaski
IND10	Thomas and Caryn Dyer
IND11	Russell Taylor
IND12	Henry Roth
IND13	Joseph and Patricia Padovan
IND14	Louis H. Bedford, III

IND15	Robin Morse
IND16	Sheila and Stan Bittinger
IND17	Kim Hartle
IND18	Jean Barbe
IND19	Thomas H. Von Deyles
IND20	Rob Rettig
IND21	Anthony A. Lause
IND22	Sheila Bittinger
IND23	Ben Polasek
IND24	Sherry and Carl Miller
IND25	Chris Pereida
IND26	Tara Preston
IND27	Clarence and Linda Hornak
IND28	David Harrer
IND29	Roger E. Darrah and Glenn R. Darrah
IND30	Mark J. Hedges
IND31	John Dennis
IND32	Trevor Hudson
IND33	Michael Loudon
IND34	Matthew W. Turner
IND35	Terrance Rybak
IND36	Todd Chapman
IND37	Terrence Lahr
IND38	Shylo Bittinger Carmody
IND39	Frank C. Hankins
IND40	Cynthia Keenan
IND41	Mark Eagleson
IND42	David Fashbaugh
IND43	Sherry and Carl Miller
IND44	Frank Zaski
IND45	Joan Kaiser
IND46	Patrick and Renee Weaver
IND47	Josh Staten
IND48	Robert Lesz
IND49	David Phillips
IND50	Michael
IND51	Carl D. Miller
IND52	William O'Reilly
IND53	Ronald Kardos
IND54	Catherine Roberts
IND55	Darla Huddle
IND56	Daniel Parnell McCarter
IND57	Frank Zaski

IND58	Rob Lesz
IND59	Mildred M. Hennessey
IND60	Rocco Zagari
IND61	Anna Hansen
IND62	James and Patricia Walter
IND63	David Blough
IND64	Henry Roth
IND65	Stefan C. Grelecki
IND66	Evelyn Hornish Schlosser, Harold and Jean Hornish, William Steingass, and Phil Hornish
IND67	Sherry Miller
IND68	Curtis Johnson
IND69	Steve DiPietro
IND70	Todd Billiter
IND71	Richard L. Galehouse
IND72	Karen Fox Esbenshade
IND73	Laura Mebert, PhD
IND74	Laura Mebert, PhD
IND75	Lauren J. Walter
IND76	Terry Lahr
IND77	Sheila Bittinger
IND78	Richard L. Courtney
IND79	Evelyn Hornish Schlosser
IND80	John G. Bulick
IND81	Edward and Judy Goshe
IND82	Christopher Pereida
IND83	David E. Heer
IND84	David Daniel & Jeanne Littlefield Daniel Trust
IND85	Larry, Ann, Lexi, and Jayden Helmick
IND86	Frank Zaski
IND87	Ronald Kardos and Marjorie Brigham-Kardos
IND88	Robert C. Masters
IND89	David Daniel & Jeanne Littlefield Daniel Trust
IND90	Sherry Miller, Carl Miller, Carter Miller, and Carson Miller
IND91	Michael Aberegg
IND92	Sallie and Sue Schiel
IND93	Karl Klement
IND94	Daniel and Carrie Dick
IND95	Terry Lahr
IND96	Rocco Zagari
IND97	R. Zagari, Jr.
IND98	Dave Blough
IND99	Michael P. Croghan

IND100	Greg Gurta
IND101	Edgar D. Heller, Jr.
IND102	Rosemary Caruso
IND103	Terry Richards
IND104	Jean and Harold Hornish
IND105	Michael and Denise Otte
IND106	Gary and Kathy Stewart
IND107	Barbara S. Dewey, J.D. Stillwater, and Ann Stillwater
IND108	Aimee LeMay
IND109	Dawson G. Alsdorf
IND110	Eric Jones
IND111	Anne Sousanis
IND112	Don Daniel
IND113	Mark and Kelley Otte
IND114	Mary and Janet Henricks
IND115	Dorothy Veeder
IND116	Virginia Maturen
IND117	Douglas E. and Mary Jane Palmer
IND118	Douglas E. and Mary Jane Palmer
IND119	Karsein Campbell (form letter)
IND120	Jack Wulser
IND121	Sarah R. Sherburne (form letter)
IND122	Dennis Brennan
IND123	David Daniel & Jeanne Littlefield Daniel Trust
IND124	Terrance Lahr
IND125	Sherry Miller
IND126	David Daniel & Jeanne Littlefield Daniel Trust
IND127	David Daniel & Jeanne Littlefield Daniel Trust
IND128	Sherry L. Miller
IND129	Lisa A. Teague
IND130	M. Mohn
IND131	David Daniel & Jeanne Littlefield Daniel Trust
IND132	Karen Jones
IND133	Frank Zaski
IND134	Lawrence Goff
IND135	Judith Goshe
IND136	Katherine Haselberger
IND137	Roger Maurer and David Maurer
IND138	James McNaull and Greg McNaull
IND139	Michael O. Schmuki
IND140	Ryan Zoller
IND141	Ryan Zoller

IND142                      Sherry L. Miller  
IND143                      John I. Klotzle

**PUBLIC MEETINGS**

PM1                      Hamier, OH Public Scoping Meeting - March 21, 2016  
PM2                      Fayette, OH Public Scoping Meeting - March 22, 2016  
PM3                      Chelsea, MI Public Scoping Meeting - March 23, 2016  
PM4                      Paden City, WV Scoping Meeting - April 4, 2016  
PM5                      Cadiz, OH Public Scoping Meeting - April 5, 2016  
PM6                      Navarre, OH Public Scoping Meeting - April 7, 2016  
PM7                      New Washington, OH Public Scoping Meeting - April 6, 2016

**APPLICANT**

A1                      Rover Pipeline LLC - March 25, 2016  
A2                      Rover Pipeline LLC - April 11, 2016

# FEDERAL AGENCIES

## FA1 – U.S. Department of Agriculture (USDA)

20160328-0063 FERC PDF (Unofficial) 03/28/2016



United States Department of Agriculture

March 22, 2016

ORIGINAL

FILED  
SECRETARY OF THE  
COMMISSION

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

2016 MAR 28 A 10:44

FEDERAL ENERGY  
REGULATORY COMMISSION

Re: Rover Pipeline, Panhandle Backhaul, & Trunkline Backhaul Projects; Docket No. CP15-93-000, CP15-94-000, CP15-96-000

Based on the information provided, the project will not impact any Natural Resources Conservation Service (NRCS) easement holdings in Pennsylvania.

If you have any questions or comments, please contact Gwendolyn Crews on my staff at [Gwendolyn.crews@pa.usda.gov](mailto:Gwendolyn.crews@pa.usda.gov) or by phone at 717-237-2218.

Sincerely,

Denise Coleman  
State Conservationist

Cc: Andree DuVarney, National Environmental Coordinator, USDA-NRCS  
Don Riley, Ecologist USDA-NRCS  
Gary Smith, Assistant State Conservationist for Operations, USDA-NRCS  
Hathaway Jones, Easement Management Analyst, USDA-NRCS

Natural Resources Conservation Service  
East Park Drive, Suite 2  
Harrisburg PA 17111  
Voice: 717-237-2100 | Fax: 717-237-2238

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FA1-1

The commentor's statement that there would be no impacts on Natural Resources Conservation Services (NRCS) easements in Pennsylvania is noted.

T-9

Appendix T

FEDERAL AGENCIES

FA2 – U.S. Department of Agriculture (USDA)

Appendix T

T-10



March 30, 2016

Kimberly D. Rose, Secretary  
Federal Energy Regulatory Commission  
Office of Energy Projects  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: OEP/DG2E/Gas 4;  
Rover Pipeline, LLC; Rover Pipeline Project  
Panhandle Eastern Pipe Line Company, LP; Panhandle Backhaul Project  
Trunkline Gas Company, LLC; Trunkline Backhaul Project  
Docket Nos. CP15-93-000, CP15-94-000, CP15-96-000

Dear Secretary Rose:

The U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) in Ohio has substantial interest in land enrolled into the Agricultural Conservation Easement Program (ACEP). In Ohio, there are over 700 sites totaling almost 80,000 acres.

In late 2015, we reviewed map data available through the Federal Energy Regulatory System (FERC) and have concluded that the proposed pipeline project mentioned above does not directly impact any lands currently enrolled into USDA conservation easement programs, but comes very close in several areas.

We have also reviewed map data provided in your draft EIS dated February 2016. This information appears to have changes in the proposed footprint of the pipeline, and we are concerned that this project will encroach into lands subject to Federal protection. In order to ensure we fully understand this potential threat, we request that you provide us with GIS shapefiles so we may compare this information to internal documents.

We would appreciate it if you would contact Alice Klink, Natural Resources Specialist, at 614-255-2461 or via email at [alice.klink@oh.usda.gov](mailto:alice.klink@oh.usda.gov) at your earliest convenience to discuss how we may obtain this information.

Sincerely,

/s/ *Randy Jordan* Acting for

TERRY J. COSBY  
State Conservationist

cc:  
Barbara Baker, Assistant State Conservationist-Natural Resources, NRCS, Columbus, Ohio  
Alice Klink, Natural Resources Specialist, NRCS, Columbus, Ohio

USDA Natural Resources Conservation Service  
200 North High Street, Room 522, Columbus, Ohio 43215-2478  
Voice: 614-255-2472 Fax: 855-854-9149

An Equal Opportunity Provider and Employer

FA2-1 In response to the commentor’s request, Rover provided the NRCS with the requested data.



# FEDERAL AGENCIES

## FA3 – U.S. Department of the Interior (USDOI)

20160401-5455 FERC PDF (Unofficial) 4/1/2016 4:46:20 PM



IN REPLY REFER TO:

### United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904

April 1, 2016

9043.1  
ER 16/0114

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, D.C. 20426

Re: DEIS for the Proposed Rover Pipeline, Panhandle Backhaul, and Trunkline Backhaul  
Projects, FERC No. CP15-93-000, CP15-94-000, and CP15-96-000

Dear Secretary Bose,

The U.S. Fish and Wildlife Service (Service) has reviewed the draft environmental impact statement (DEIS) for the subject project (hereafter Rover project). The following comments and recommendations are intended to assist the Federal Energy Regulatory Commission (FERC) in reviewing the environmental implications of the proposed project, including those on Service trust resources. Additionally, the Service has been requested by FERC in a letter dated February 25, 2016, to treat the DEIS as the Biological Assessment for the project. That letter asked for concurrence under the Endangered Species Act of 1973, as amended (ESA) on FERC's effects determinations for 16 federally-listed species, one proposed threatened species, and one candidate species. We will supply comments on those effects determinations in a separate letter.

These comments are provided pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401; 16 U.S.C. 661 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668c), the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712), Executive Order 13186 (E.O. 13186): Responsibilities of Federal Agencies to Protect Migratory Birds (January, 2001), and the Memorandum of Understanding (MOU) Between the Federal Energy Regulatory Commission and the U.S. Department of the Interior United States Fish and Wildlife Service Regarding Implementation of Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds" (March, 2011).

FA3-1

The commentor's statement that the Mytoid Bat Conservation Plan (MBCP) has not yet received Service approval is noted.

T-11

Appendix T

FEDERAL AGENCIES

FA3 – U.S. Department of the Interior (USDOl) (cont'd)

Appendix T

T-12

20160401-5455 FERC PDF (Unofficial) 4/1/2016 4:46:20 PM	
Listed Species Comments	
FA3-1 cont'd	<p>In sections 4.7.2 and 5.2 (pages 4-135 and 5-21) of the DEIS, the FERC staff recommended the following:</p> <p><i>“Rover should not begin construction of the Rover Pipeline Project until:</i></p> <p><i>a. all outstanding bat surveys have been completed;</i></p> <p><i>b. species conservation plans and compensatory mitigation have been approved by the FWS or state regulatory authority;”.</i></p> <p>The Service has reviewed the Myotis Bat Conservation Plan (MBCP) submitted by the project proponent (“Rover”) to the Service’s West Virginia Field Office (WVFO) on January 21, 2016. Further comments regarding the MBCP will be sent to FERC in a letter from the WVFO. The WVFO’s evaluation determined that the combined effects of the project, even with the MBCP, could result in significant adverse effects to federally-listed bats and their habitat. They recommend surveys for listed bats and/or formal consultation under ESA as further detailed in the referenced letter above.</p> <p>We support the following recommendation in the DEIS and note that the MBCP has not yet received Service approval:</p> <p><i>“Rover should not begin construction of the Rover Pipeline Project until:</i></p> <p><i>a. all outstanding bat surveys have been completed;</i></p> <p><i>b. species conservation plans and compensatory mitigation have been approved by the FWS or state regulatory authority;</i></p> <p><i>c. the FERC staff completes any necessary ESA Section 7 consultation with the FWS;” (section 4.7.2 , page 4-135).</i></p>
FA3-2	<p>We suggest the following corrections in the DEIS regarding listed species. The term “Prairie white-fringed orchid” should be changed to “eastern prairie fringed orchid”. Under the Indiana bat section, the counties listed for seasonal tree clearing (page 4-133, third paragraph in the Indiana bat section) are wrong. The consultant for Rover was sent a shapefile on 9/22/14 that depicted areas where the project overlapped with known Indiana bat occurrences. The counties should be: Monroe, Noble, Tuscarawas, Wayne, Seneca, and Crawford.</p>
Migratory Bird Comments	
FA3-3	<p>Regarding migratory birds, we strongly support the FERC staff’s recommendation in section 4.6.1.5 of the DEIS (page 4-121):</p> <p><i>“Prior to construction, Rover should file with the Secretary, for review and written approval of the Director of OEP, its final Migratory Bird Conservation Plan that includes documentation of its consultation with the FWS regarding avoidance and minimization measures, as well as compensatory mitigation.”</i></p>

FA3-2                      Section 4.7.2 has been updated as recommended.

FA3-3                      The commentor’s statement regarding the FERC’s recommendation is noted.

# FEDERAL AGENCIES

## FA3 – U.S. Department of the Interior (USDOI) (cont'd)

20160401-5455 FERC PDF (Unofficial) 4/1/2016 4:46:20 PM

FA3-4

We have received Rover's Draft Migratory Bird Conservation Plan (DMBCP) and our review is on-going. We expect to submit final comments to Rover after we have discussed compensatory mitigation estimates (see below). Our preliminary comments on the DMBCP are included in this section.

Rover's DMBCP includes clearing in migratory bird habitat during the breeding season: *"Clearing in these areas will be required for the Project and will be conducted during the bird nesting season."* (section 4.1, page 8). The DMBCP does not provide support that construction must occur during the breeding season. There is no provision to allow incidental take of migratory birds or nests under the Migratory Bird Treaty Act (MBTA), so we encourage Rover to avoid and minimize take of migratory birds to the greatest extent practicable. To that end, we recommended that tree clearing be performed outside the bird breeding season to minimize take of birds and nests.

In section 4.6.1.5 (page 4-114), the DEIS states: *"Rover continues to coordinate with the FWS regarding the possibility of limiting land clearing to outside of the nesting season. However, to date Rover has not filed with the FERC any documentation of any proposed restrictions on land clearing or other construction activities during the migratory bird nesting season. Therefore, we are recommending below that Rover adhere to the FWS clearing windows that would avoid impacts on both migratory birds and listed bat species (see section 4.7.2)."*

Additionally, in section 5.1 (page 5-7), the DEIS states: *"Additionally, we are recommending that Rover restrict all tree clearing to between October 15 and March 31 for the entire project to avoid impacts on listed bat species. Because this timing window encompasses the clearing window for Migratory Birds (and is further restrictive) this recommendation would also avoid impacts on Migratory Birds."*

The Service suggests a revision to those dates. We suggest Rover restrict all tree clearing to between November 15 – March 31 in West Virginia (as noted in a letter from WVFO to FERC dated 12/9/14) and between October 1 – March 31 in all other states (as noted in a letter from the Ohio Field Office to Rover dated 9/11/14). The Service strongly supports the above recommendations in the DEIS regarding clearing windows for listed species and migratory birds, given our suggested revisions to clearing dates.

The DMBCP also notes that construction may cause bird mortality: *"Direct effects from construction include the displacement of birds along the right-of-way and possible direct mortality of some individuals. However, it is expected that most bird species would leave the construction work areas as construction activities approach. Depending on the season, construction could disrupt bird courting or nesting, and foraging and breeding behaviors, on and adjacent to the right-of-way."* (section 4.2, page 11).

For construction occurring during the breeding season, we do not concur that birds will leave the construction area as construction activities approach (nests and nestlings are not mobile). We

FA3-4

Sections 4.7.2 and 5.0 have been updated as recommended.

FEDERAL AGENCIES

FA3 – U.S. Department of the Interior (USDOI) (cont’d)

Appendix T

T-14

20160401-5455 FERC PDF (Unofficial) 4/1/2016 4:46:20 PM	
FA3-4 cont'd	recommended that Rover revise their DMBCP to commit to performing tree clearing outside the bird breeding season to minimize take of birds and nests.
FA3-5	<p><b>Compensatory Mitigation Comments</b></p> <p>As noted in section 4.6.1.5 (page 4-114) of the DEIS, the MOU between FERC and the Service focuses on avoiding or minimizing adverse impacts on migratory birds and strengthening bird conservation through enhanced collaboration between the two agencies. The MOU states that "It is in the interests of both Parties that potential impacts, direct and indirect, are thoroughly assessed and unavoidable impacts are appropriately mitigated." This supports the statement in E.O. 13186 for each agency to, "... restore and enhance the habitat of migratory birds, as practicable" (Section 3(e)(2)). The definition for mitigation in the MOU is taken from NEPA regulations which includes, "e) compensating for the impact by replacing or providing substitute resources or environments" ( 40 CFR, Section 1508.20). Therefore, where impacts cannot be avoided or fully minimized, the Service will seek compensatory mitigation for removed habitat which was used by either migratory birds (under E.O. 13186 and the 2011 MOU between FERC and the Service) or by listed species (under the ESA). Regarding migratory birds, we strongly support the FERC staff's recommendation in section 4.6.1.5 (page 4-121, quoted above under "Migratory Bird Comments").</p> <p>Regarding listed species, we strongly support the FERC staff's recommendation in section 4.7.2 (page 4-135):</p> <p><i>"Rover should not begin construction of the Rover Pipeline Project until:</i></p> <p><i>a. all outstanding bat surveys have been completed;</i></p> <p><i>b. species conservation plans and compensatory mitigation have been approved by the FWS or state regulatory authority;</i></p> <p><i>c. the FERC staff completes any necessary ESA Section 7 consultation with the FWS;"</i></p> <p>as well as the FERC staff's recommendation in section 5.2 (page 5-21):</p> <p><i>"Rover shall not begin construction of the Rover Pipeline Project until:</i></p> <p><i>a. all outstanding bat surveys have been completed;</i></p> <p><i>b. species conservation plans and compensatory mitigation have been approved by FWS or state regulatory authority;</i></p> <p><i>c. the FERC staff completes any necessary ESA Section 7 consultation with the FWS;"</i></p> <p>In their DMBCP, Rover notes that <i>"The cutting, clearing, and/or removal of existing vegetation could also affect bird species by reducing the amount of available habitat"</i>, and that <i>"Habitat fragmentation is a concern when clearing rights-of-way for construction"</i> (section 4.2, page 13). The Service agrees with those statements and has requested compensatory mitigation to offset impacts to migratory bird habitat. As noted in section 5.1 (page 5-6) of the DEIS, Rover has committed to providing compensatory mitigation to offset impacts to habitat for listed species and migratory birds. The Service estimates those impacts and necessary mitigation to replace lost services using Habitat Equivalency Analysis (HEA). We have used the HEA process successfully for many linear projects (mainly pipelines and transmission lines) and it provides</p>

FA3-5                      The commentor’s statements regarding ongoing discussions with Rover regarding compensatory mitigation are noted.

FEDERAL AGENCIES

FA3 – U.S. Department of the Interior (USDOI) (cont’d)

20160401-5455 FERC PDF (Unofficial) 4/1/2016 4:46:20 PM

FA3-5  
cont'd

consistency across projects and developers. Our HEA process is on-going and we expect to contact Rover shortly to discuss mitigation estimates.

We appreciate the opportunity to comment on the DEIS for the Rover project. As a cooperating agency on this project, we would appreciate notification before the EIS becomes final if FERC intends to substantively alter any of the DEIS statements we highlighted above as having our strong support.

The central point of contact for the Service is the Regional Office for Region 3, contact Jeff Gosse, Regional Energy Coordinator, at (612) 713-5138 or [jeff\\_gosse@fws.gov](mailto:jeff_gosse@fws.gov). For the Ohio Field Office, contact Dan Everson, Field Supervisor, at (614) 416-8993 or [dan\\_everson@fws.gov](mailto:dan_everson@fws.gov). For the Michigan Field Office, contact Scott Hicks, Field Supervisor, at (517) 351-2555 or [scott\\_hicks@fws.gov](mailto:scott_hicks@fws.gov). For the West Virginia Field Office, contact John Schmidt, Project Leader, at (304) 636-6586 or [john\\_schmidt@fws.gov](mailto:john_schmidt@fws.gov). For the Pennsylvania Field Office, contact Lora Zimmerman, Project Leader, at (814) 234-4090 ext. 7474, or [lora\\_zimmerman@fws.gov](mailto:lora_zimmerman@fws.gov).

Sincerely,



Lindy Nelson  
Regional Environmental Officer

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA)

Appendix T

T-16



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 11 2016

REPLY TO THE ATTENTION OF:

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

This comment was submitted  
twice (20160411-5330 and  
20160418-0030)

Re: FERC Draft Environmental Impact Statement (DEIS) for the Rover Pipeline Project, Panhandle Backhaul Project, and Trunkline Backhaul Project (FERC Docket Nos. CP15-93-000, CP15-94-000, CP15-96-000, Respectively) (CEQ No. 20160046)

Dear Ms. Bose:

FA4-1

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the United States Environmental Protection Agency (EPA) has completed its review of the Federal Energy Regulatory Commission's (FERC) draft environmental impact statement (DEIS) for the Rover Pipeline Project, Panhandle Backhaul Project, and Trunkline Backhaul Project (Projects), proposed by Rover Pipeline, LLC (Rover), Panhandle Eastern Pipe Line Company, LP (Panhandle), and Trunkline Gas Company, LLC (Trunkline), respectively.

Rover, Panhandle, and Trunkline (Projects Proponents) request FERC authorization to construct and operate certain interstate natural gas pipeline facilities in Michigan, Ohio, Pennsylvania, West Virginia, Indiana, Illinois, Tennessee, and/or Mississippi to deliver up to 3.25 billion cubic feet per day (Bcf/d) of natural gas supply from the Marcellus and Utica Shale producers in Pennsylvania, West Virginia, and Ohio through interconnections with existing pipeline infrastructure in Ohio and Michigan to supply interstate natural gas pipelines and storage facilities as well as markets in the Gulf Coast, Midwest, and Canadian regions.

EPA has rated the DEIS EC-2 Environmental Concerns, Insufficient Information. The EC-2 rating indicates that we have concerns that the document does not contain enough information to fully assess the environmental impacts that should be avoided in order to fully protect the environment. See the enclosed Summary of Rating Definitions for a detailed explanations of EPA's ratings.

EPA concerns are primarily due to insufficient information regarding: 1) avoidance of and minimization of impacts to wetlands and streams, 2) identification and analysis of impacts to upland forest, core forest and associated wildlife, 3) identification of environmental justice populations, 4) potential noise impacts on noise-sensitive areas (NSAs), such as residences with school-age children, 5) greenhouse gas emissions and climate change, and 5) mitigation. In addition, the DEIS does not include: 1) a wetland/stream mitigation plan, 2) upland/core forest

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FA4-1

Section 1.2.2 has been updated to include information regarding U.S. Environmental Protection Agency's (EPA's) oversight of the Michigan Department of Environmental Quality (MIDEQ) Clean Water Act (CWA) Section 404 permit.

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

2

FA4-1  
cont'd

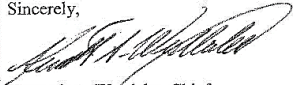
mitigation plan, nor 3) Rover's emergency response plan. Enclosed are our detailed comments which include recommendations for additional information to include in the Final EIS.

When FERC submits the Final EIS to EPA headquarters, also send paper copies and CDs of the Final EIS to EPA Regional Offices as follows:

- EPA Region 5: one (1) paper copy and three (3) sets of CDs,
- EPA Region 4: one (1) set of CDs, and
- EPA Region 3: one (1) set of CDs.

If you or your staff have any questions or concerns, I can be reached at 312-886-2910, or contact Virginia Laszewski of my staff at [laszewski.virginia@epa.gov](mailto:laszewski.virginia@epa.gov) or 312-886-7501.

Sincerely,



Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Enclosures: Summary of Rating Definitions  
EPA Detailed Comments

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Appendix T



# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-1  
cont'd

Cc (email): Federal Energy Regulatory Commission, Kevin Bowman, Environmental Project Manager, [kevin.bowman@ferc.gov](mailto:kevin.bowman@ferc.gov)  
Michigan Department of Environmental Quality, Colleen O'Keefe, Water Resources Division, Lansing, MI, [OKEEFECC@michigan.gov](mailto:OKEEFECC@michigan.gov)  
U.S. Army Corps of Engineers, Michael Hatten, Chief, Energy Resources, Huntington District, [Michael.E.Hatten@usace.army.mil](mailto:Michael.E.Hatten@usace.army.mil)  
U.S. Army Corps of Engineers, Diane C. Kozlowski, Chief Regulatory, Buffalo District, [Diane.C.Kozlowski@usace.army.mil](mailto:Diane.C.Kozlowski@usace.army.mil)  
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U.S. Army Corps of Engineers, Charlie Simon, Chief Regulatory, Detroit District, [Charles.M.Simon@usace.army.mil](mailto:Charles.M.Simon@usace.army.mil)  
U.S. Fish and Wildlife Service, Lynn Lewis, Assistant Regional Director, Midwest Region Ecological Services, Bloomington, MN  
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U.S. Fish and Wildlife Service Region 3, Angela Boyer, Endangered Species Coordinator, Ohio Field Office, [angela\\_boyer@fws.gov](mailto:angela_boyer@fws.gov)  
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U.S. Fish and Wildlife Service, West Virginia Field Office, John Schmidt, Project Leader, [John\\_Schmidt@fws.gov](mailto:John_Schmidt@fws.gov) and Tiernan Lennon, Project Contact, Biologist, [Tiernan\\_Lennon@fws.gov](mailto:Tiernan_Lennon@fws.gov)  
US Fish and Wildlife Service, Region 4 Southeast, Atlanta, GA, Cindy Dohner, [cindy\\_dohner@fws.com](mailto:cindy_dohner@fws.com)

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# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

FA4-1  
cont'd

### \*SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION\*

#### Environmental Impact of the Action

##### LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

##### EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

##### EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

##### EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

#### Adequacy of the Impact Statement

##### Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

##### Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

##### Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

Appendix T

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4

U. S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE ROVER PIPELINE PROJECT, PANHANDLE BACKHAUL PROJECT AND TRUNKLINE BACKHAUL PROJECT, MICHIGAN, OHIO, PENNSYLVANIA, WEST VIRGINIA, INDIANA, ILLINOIS, TENNESSEE, MISSISSIPPI, FEBRUARY 2016 (CEQ NO. 20160046)

FA4-1  
cont'd

The following comments follow the numbered topic order as presented in the Draft Environmental Impact Statement (DEIS).

### 1.0 Introduction

**Section 1.2.2 U.S. Environmental Protection Agency:** The DEIS describes EPA's involvement in the Rover review.

**Recommendation:** The DEIS should be amended to include EPA's oversight of Michigan Department of Environmental Quality's (MIDEQ) Clean Water Act (CWA) Section 404 permit for 404 impacts in Michigan, and indicate that the U.S. Army Corps of Engineers (Corps) permitting only pertains to the other affected states.

FA4-2

### 2.0 Projects Description

Rover Pipeline, LLC (Rover), Panhandle Eastern Pipe Line Company, LP (Panhandle), and Trunkline Gas Company, LLC (Trunkline) (Projects Proponents) propose to construct and operate the following natural gas facilities/components (Projects):

- Rover Pipeline Project (OH, MI, WV, PA) – construct 510.7 miles of new 24-, 30-, 36-, and 42-inch-diameter natural gas pipeline [Mainlines A and B (OH), Market Segment (OH and MI), and 9 Lateral Lines (OH, PA and WV)] and appurtenant facilities that include 10 new compressor stations, 19 new meter stations, 5 new tie-ins, 78 mainline valves, and 11 pig launcher and receiver facilities;
- Panhandle Backhaul Project (OH, IN, IL) – modify existing piping at four existing compressor stations and three valve sites to allow for bi-directional flow of natural gas; and,
- Trunkline Backhaul Project (IL, TN, MS) - modify existing piping at four existing compressor stations (Johnsonville, Joppa, Dyersburg, and Independence) to allow for bi-directional flow; and modify the Panhandle-Trunkline Interconnect through installation of valves and fittings and modification of piping within the Panhandle-Trunkline Tuscola Compressor Stations, as well as construction and modifications at the existing Bourbon Meter Station.

FA4-2

Table 2.2-1 lists a summary of the acreage impacts associated with Project components. Table 4.8.1-1 provides acreages for each individual aboveground component and the resource areas impacted.

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-2  
cont'd

**2.1 Proposed Facilities**

**Recommendation:** In *Table 2.1.2-1 Above Ground Facilities for the Projects* - include acres associated with each aboveground facility in this table.

FA4-3

**2.2 Land Requirements**

Construction of the proposed Projects would impact 9,998.3 acres. Operation of the Projects would permanently disturb 3,507.8 acres. Forested land and agricultural land would sustain the largest acreage impact. The majority of the acreage impacts are associated with the Rover Project. Only approximately 24 percent of Rover's proposed pipeline routes are within or parallel to existing pipeline and/or utility rights-of-way (ROW).

The Rover Project would impact 9,227.6 acres of vegetated land during construction and 3,460.5 acres of vegetated land during operation. Of the Rover Project acres affected by construction, 2,991.4 are upland forested areas, 760.8 acres are upland open lands, 5,294.9 acres are agricultural lands, and 180.5 acres are wetlands, including 40.4 acres of forested wetlands (page 4-101). Rover would cross 852 waterbodies, 29 of which are classified as fisheries of special concern. Fourteen (14) residences would be within the construction work area, and 3 residences would be within 10 feet for the construction work area. Sixteen (16) federally listed threatened and endangered species are potentially present in the vicinity of the Projects. Also potentially present in the vicinity of the Projects are 56 species that are state-listed as threatened, endangered, or noted by the applicable state agencies as being of special concern (page ES-6). The pipelines and associated routes would also cross, but are not limited to, areas of steep slopes, erodible soils, karst geology, and abandoned and active mine sites.

**2.2.3 Contractor Yards**

**Recommendation:** *Table 2.2.3-1 Contractor Yards along the Rover Pipeline Project Route* – Better describe what is meant by “Open Land” on this table. For example is agricultural land included in the “Open Land” designation for Sherwood Yard? We recommend that the Final EIS better describe the existing land use associated with Sherwood Yard.

FA4-4

**2.3 Construction Procedures**

The DEIS (page 2-20) states “To reduce construction impacts, Rover would implement its Construction Mitigation Plans (CMPs) (see appendix G). The CMPs include Rover's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Rover's Plan<sup>3</sup>), which is based on our *Upland Erosion Control, Revegetation, and Maintenance Plan* (our Plan<sup>4</sup>). The CMPs also include Rover's *Wetland and Waterbody Construction and Mitigation Procedures* (Rover's Procedures<sup>5</sup>), which are based upon and contain many of the measures found in our *Wetland and Waterbody Construction and Mitigation Procedures* (our Procedures<sup>4</sup>). . . . *Unanticipated Discovery Plan for Paleontological Resources* (Rover's Paleontological Discovery Plan),<sup>6</sup> . . . “

The footnotes provide web addresses/links to generic Rover and/or FERC websites, instead of providing direct links to the specific documents.

FA4-3

Land use categories are defined in section 4.8 of the EIS. Agricultural land use impacts are discussed independently and are not included in the open land use category. Detailed land use impacts for aboveground facilities are presented in table 4.8.1-1.

FA4-4

The footnotes provide instructions on how to access the application on the FERC website using Rover's docket number and the appropriate accession number. The referenced documents can be found within Rover's application filed with the Commission.

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Appendix T

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-4 cont'd	<b>Recommendations:</b> We recommend the Final EIS provide direct links to the above referenced documents that are not provided in the hardcopy or CD version of the EIS. Also include Rover's Spill Prevention and Response Procedures (Rover's Spill Procedures).
FA4-5	<b>2.3.1 General Pipeline Construction Procedures</b>  <b>Recommendation:</b> Page 2-23, under "Grading" -- Include a discussion of soil compaction.
FA4-6	<b>2.3.2.8 Rugged Topography</b>  <b>Recommendation:</b> Clarify what defines "rugged terrain" (soil or geology types and slopes). Highlight where rugged terrain is located (using maps or reference a section in the EIS).
FA4-7	<b>2.5.3 FERC Third-Party Compliance Monitoring</b> The DEIS (page 2-36) states "Rover has agreed to fund a FERC third-party compliance monitoring program during the Project construction phase. Under this program, a contractor is selected by, managed by, and reports solely to the FERC staff to provide environmental compliance monitoring services."  <b>Recommendation:</b> EPA recommends the Final EIS identify whether a FERC third-party compliance monitor will be stationed on-site at each of the 15 construction spreads. In addition, identify whether FERC third-party compliance monitors will have the authority to stop construction, if necessary.
FA4-8	<b>2.5.5 Post-Construction Monitoring</b>  <b>Recommendation:</b> In addition to Rover's Agricultural Impact Mitigation Plan (AIMP) to help and conserve agricultural lands that may be affected by construction and/or operation of the pipelines (DEIS page 4-169), we recommend FERC consider requesting Rover develop project specific Impact Mitigation Plans for other important resources impacted by the project, such as forest land, wetlands, residences, drinking water supply wells.
FA4-9	<b>4.1.3 Geologic Hazards</b> <b>4.1.3.4: Landslides</b>  <b>Recommendations:</b> <i>Table 4.1.3-2 Landslide Hazards in the Rover Pipeline Project Area.</i> Include a map in the FEIS that accompanies this table to show the locations of landslide susceptibility. Follow with a reference to best management practices (BMPs) that will reduce impacts.  We recommend additional investigations via surveys to help determine the segments of each pipeline that will need to be diverted due to landslide susceptibility. Include a

FA4-5	Section 2.3.1 discusses the applicants' construction procedures. The impacts of the Project and mitigation for soil compaction, including pre- and post-construction testing of soils are discussed in section 4.2.5.
FA4-6	Rugged topography refers to the steepness of the slope (typically slopes greater than 15-30 percent). Steep slopes are more prevalent in eastern portions of the Project area, and a cross-reference has been added to the text (e.g., tables 4.1.1-1 and 4.1.3-3).  As described in section 2.5.3 of the EIS, third-party compliance monitors, under the direction of the FERC, would conduct daily construction monitoring of these actions. Full-time FERC staff would also complete routine inspections in addition to the third-party monitors. Both the Environmental Inspectors (EIs) and the third-party compliance monitors would complete inspections on a daily basis and have stop-work authority. Given the length of the Project, we estimate that seven monitors would be needed during construction.
FA4-7	
FA4-8	Rover has developed several mitigation and construction plans to minimize impacts on sensitive resources. As part of its Migratory Bird Conservation Plan, and in coordination with the U.S. Fish and Wildlife Service (FWS), Rover has committed to develop appropriate mitigation for impacts on migratory bird forested habitat. As discussed in section 4.4.5 of the EIS, Rover is developing a wetland compensatory mitigation plan as part of its CWA Section 404 permitting process in consultation with the U.S. Army Corps of Engineers (COE) and MIDEQ. Additionally Rover has developed site-specific residential plans for all residences within 50 feet of construction workspaces
FA4-9	Sections 4.1.3.4 and 4.1.5 of the EIS have been updated to include discussions based on the results of the geo-hazard evaluation for the Project.

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-9 cont'd	<p>description and findings of the surveys in the Final FEIS. Also, identify any proposed route modifications, associated impacts and mitigation measures in the Final EIS.</p> <p>Describe and identify in the Final EIS how long Rover will invest in post-construction inspection BMPs to make sure they work properly.</p>
FA4-10	<p><b>4.1.3.6 Ground Subsidence Karst Topography</b></p> <p><b>Recommendations:</b> Page 4-27, Development on karst terrain can have large impacts on the project and water resources if there is contamination during construction and/or operation. The pipeline routes and above ground facilities should be surveyed for karst features, such as caves and sinkholes. We recommend that the Final EIS include a map of these areas. We also recommend that the specific measures that will be used during construction and operation be identified in the Final EIS.</p>
FA4-11	<p><b>Section 4.1.3.8: Blasting</b> The DEIS identifies that Panhandle and Trunkline Projects are not within areas of shallow bedrock, therefore blasting would not be required in these areas.</p> <p><b>Recommendation:</b> Though it may be unlikely blasting will be required for the Panhandle and/or Trunkline Projects, we recommend the Final EIS show that the project proponents are prepared to undertake BMPs for blasting, if necessary.</p>
FA4-12	<p><b>4.2 Soils</b> <b>4.2.2.1 Erosion by Water and Wind</b></p> <p><b>Recommendations:</b> We recommend this section reference the BMPs that will help reduce soil erosion from water and wind, discuss when BMPs will be used and identify how they will be maintained during construction. Additionally, discuss whether construction of the project may need soil retention walls. If soil retention walls may be needed, identify the plans and procedures that will be used to inspect and insure retention walls are safe and well maintained.</p>
FA4-13	<p><b>4.2.2.6 Prime Farmland and Farmland of Statewide Importance</b></p> <p><b>Recommendations:</b> Page 4-44, EPA recommends this section identify the type of crops that will be affected and discuss whether the project proponents have spoken with state farm agencies and landowners regarding impacts, mitigation and compensation.</p>
FA4-14	<p><b>4.2.2.7 Contaminated Soil</b></p> <p><b>Recommendations:</b> Identify in this section as well as in <i>Section 4.3.1.6 Contaminated Groundwater</i> and <i>Section 4.8.6 Hazardous Waste Sites</i> of the Final EIS if Resource Conservation and Recovery Act (RCRA) corrective action, Leaking Underground</p>

FA4-10	<p>Sections 4.1.3.6 and 4.1.5 of the EIS have been updated to include additional discussion of karst areas and mitigation measures based on the results of additional surveys that were completed after publication of the draft EIS. A map of known karst areas is provided in the Karst Plan in appendix G. Additional maps of known karst areas in the vicinity of the Project are provided in Rover's Karst Report filed to the FERC's eLibrary on March 23, 2016.</p>
FA4-11	<p>Given that both the Panhandle and Trunkline Projects involve updates at existing facilities with previously disturbed soils and shallow excavations, blasting would not be required.</p>
FA4-12	<p>Section 4.2.5 of the EIS and Rover's Upland Erosion Control, Revegetation, and Maintenance Plan (Rover's Plan) discuss the measures (such as slope breakers, trench plugs, sediment barriers, and mulch) that would be used to reduce erosion during construction and operation of the Project. Rover has not proposed soil retention walls for the Project.</p>
FA4-13	<p>As described in section 4.2.2.6, prime farmland is designated based on soil characteristics and not on the current agricultural use. Thus, the vegetation on prime farmland would be characteristic of the vegetation in the area (e.g., forests, pasture, hay, corn, alfalfa). Rover would continue to coordinate with landowners regarding mitigation and appropriate compensation for impacts on agricultural land, including prime farmland and farmland of statewide importance, as outlined in its Agricultural Impact Mitigation Plans (AIMPs) and its Plan.</p>
FA4-14	<p>Rover conducted a database search to identify land tracts within 0.5 mile of the Project with hazardous materials. A list of the databases used in Rover's search is described in Resource Report 8 (section 8.1.3.5) of its application. The procedures for notifying EPA are described in Rover's Spill Prevention and Response Procedures (Rover's Spill Procedures).</p>

Federal Agency Comments

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Appendix T



# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-14 cont'd	Storage Tanks (LUSTs), and/or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (Superfund) sites are within the construction areas of the Projects. Identify the databases that were used to make the determinations. Identify the procedures to notify the state/s and EPA if contaminated areas are found.
FA4-15	<p><b>4.2.4 Access Roads</b> Construction of 86.7 miles of access road associated with the Rover Project (page 4-46) will increase the amount of impervious surface. This is not addressed in the DEIS.</p> <p><b>Recommendation:</b> The Final EIS should address the increase in impervious surface due to proposed access roads. The document should discuss how it will impact flooding, water infiltration, water resources and habitats.</p>
FA4-16	<p><b>4.3 Water Resources (Surface and Groundwater)</b>  <b>4.3.1 Groundwater Resources</b>  <b>4.3.1.6 Contaminated Groundwater</b>            The DEIS identifies that the proposed location for the Dover Contractor Yard is in close proximity to the Reilly Tar &amp; Chemical Company (Reilly Tar) Superfund site in Dover, Ohio.</p> <p><b>Recommendation:</b> For the most recent information and coordination regarding the Reilly Tar Superfund site, contact John Fagiolo, EPA Remedial Project Manager (phone: 312/886-0800). Include the results of this coordination in the Final EIS.</p>
FA4-17	<p><b>4.3.1.2 Sole Source Aquifers</b></p> <p><b>Recommendation:</b> We recommend that this section mention the closest Sole Source Aquifer and define "close proximity."</p>
FA4-18	<p><b>4.3.1.4 Wellhead and Aquifer Protection Areas</b>  <i>Table 4.3.1-3 Wellhead Protection Areas Crossed by the Rover Pipeline Project:</i> According to the text (page 4-59) twenty-one Wellhead Protection Areas (WHPAs) will be crossed by the Rover Project in PA, OH, WV, and MI; however, Table 4.3.1-3 lists only twenty.</p> <p><b>Recommendation:</b> Clarify whether it is twenty or twenty-one WHPAs that will be crossed by the Rover Project.</p>
FA4-19	<p><b>Ohio and Michigan</b> (page 4-60): Eight WHPAs would be crossed in Ohio. Ten WHPAs would be crossed in Michigan: seven crossed by the Market Segment, and three are within the Whitmore Lake Contractor Yard sit.</p> <p><b>Recommendation:</b> Identify in the Final EIS if all water suppliers in the WHPAs have been consulted and the outcome of that consultation. Identify the specific measures that Rover will take to insure protection of the water resource in the WHPAs during project construction and operation.</p>
FA4-20	<b>West Virginia</b> (page 4-60): The text briefly mentions one Wellhead Protection Area (WHPA)

FA4-15	Sections 4.3.1.7 and 4.3.2.6 have been updated to include a discussion on increases in impervious surfaces from newly constructed permanent access roads and associated impacts on water resources.
FA4-16	We have no updated information from Rover or the EPA regarding the Reilly Tar Superfund site.
FA4-17	Section 4.3.1.2 has been updated to include the closest sole source aquifer (SSA) to the Project.
FA4-18	The section and table have been updated to report the correct number of wellhead protection areas (WHPAs).
FA4-19	Section 4.3.1.7 has been updated to include a discussion of protection of WHPAs during construction. Rover has not provided updated information regarding consultations with the water suppliers..
FA4-20	Section 4.3.1.4 of the EIS has been updated to identify the Project lateral (Majorsville Lateral) that would cross the WHPA in West Virginia.

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-20  
cont'd

will be crossed by the project in WV.

**Recommendation:** Identify in the Final EIS the project lateral that will cross the WHPA in WV, identify where it will cross the WHPA, and if the water supplier has been contacted. Include the results of that contact.

FA4-21

**4.3.2 Surface Water Resources**  
Regarding impacts to streams, drainages, ponds, and lakes, the DEIS does not adequately describe the regulatory requirements under the CWA Section 404. Instead, it focuses CWA permitting and compensatory mitigation requirements only to wetlands.

**Recommendation:** We recommend that the Final EIS better describe CWA Section 404 permitting requirements for the placement of dredge or fill material within all waters of the U.S.

FA4-22

Construction and operation of proposed new and/or modified aboveground facilities will increase impervious surfaces. For example, the Dyers Compression Station (C.S.) entails 34.7 acres and the Independence C.S. entails 39.6 acres of impact.

**Recommendation:** The Projects Proponents should identify and the Final EIS address stormwater management controls from increased impervious surfaces for each aboveground facility.

FA4-23

**4.3.2.4 Sensitive Waterbodies  
Impaired Waterbodies** (page 4-76)

**Recommendations:** We recommend that this section include the linear feet of impaired streams that are crossed.

FA4-24

**Flood Hazard Zones** (page 4-77)

**Recommendation:** We recommend the Final EIS identify and discuss: 1) how many acres will be within each of the Flood Hazard Zones, 2) if there are any impacts to surrounding areas prone to flooding, and 3) if construction will occur during times of the year that have higher risks of flooding. Also, address if the project will create new and/or additional flooding in areas affected by an increase in impervious surface due to project access roads and aboveground facilities.

FA4-25

**4.3.2.5 Waterbody Construction Procedures  
Hydrostatic Testing and Dust Control** (pages 4-78 – 4-84, and 4-87 – 4-88)  
*“Rover proposes to withdraw about 259 million gallons of test water from 34 local surface waters and various municipal supplies (see table 4.3.2-5). The testing would occur at 45 test segments (see table 4.3.2-6)”* (page 4-78)

FA4-21

Section 4.3.2 of the EIS has been updated with additional information regarding the CWA Section 404 requirements.

FA4-22

Aboveground facilities associated with the Panhandle and Trunkline Projects are existing facilities. No new impervious surfaces would be created due to upgrades at these facilities. Permanent impacts from compressor stations for the Rover Project would be limited to the permanent footprint of the facility (see table 4.8.1.1). Additionally, sections 4.3.2.6 and 4.8.1.5 have been updated to include a discussion of increased impervious surfaces from access roads. Rover would implement stormwater management measures during operation in accordance with federal and state requirements (see table 1.5-1).

FA4-23

The width of each sensitive waterbody crossing is listed in appendix L of the EIS. The section has been updated to include discussion about the total linear feet of sensitive waterbodies that are crossed.

FA4-24

Appendix L has been updated with crossing distance and estimated impact acreages for Federal Emergency Management Agency (FEMA) Flood Hazard Zones. Section 4.3.2.4 has been updated with information on impact acreages for Flood Hazard Zones, and section 4.3.2.6 has been updated with additional discussion regarding impervious surfaces.

FA4-25

While pneumatic pressure testing is an option, the amount of energy stored in a compressed gas is much greater than the energy stored in a compressed liquid. Therefore, pneumatic pressure testing, at the pressures required for testing the Project pipeline, poses an increased safety risk should a failure of the pipe occur.

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Appendix T

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

Appendix T

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FA4-25 cont'd	<b>Recommendation:</b> We recommend the Final EIS mention why hydrostatic testing is the preferred method of testing pressure why other, non-resource intensive methods are not being proposed, such as pneumatic pressure testing.
FA4-26	<p>The DEIS (page 4-78) states “This testing involves cleaning each test segment prior to hydrostatic testing . . .” but does not explain what “cleaning” entails.</p> <p><b>Recommendation:</b> We recommend that the Final EIS explain what pre-cleaning entails. How much water does it use? Is this in addition to the amount of water used for the actual hydrostatic test? What chemicals, if any, are used in the pre-cleaning process?</p>
FA4-27	<p><i>Table 4.3.2-5 Hydrostatic Test Water Sources and Volumes for the Projects</i></p> <p><i>Table 4.3.2-6 Proposed Hydrostatic Test Water Segments for Rover's Pipeline Facilities</i></p> <p><b>Recommendations:</b> We recommend Table 4.3.2-5 and Table 4.3.2-6 include additional categories to identify: 1) the proposed intake areas, 2) daily water flow amounts for each water intake, 3) where water will be recycled from one segment to another, and 4) the amount of water that will be recycled in each segment.</p>
FA4-28	<p>The DEIS does not address the specific requirements for the disposal of test water associated with the various components of the Proposed Projects. For example, the Trunkline Backhaul Project's Dyersburg Compressor Station (C.S.) (TN) and Independence C.S. (MS) will use 150,000 and 90,000 gallons, respectively, of municipal water for hydrostatic testing. The Panhandle Backhaul Project's Zionsville C.S. (IN) and Tuscola C.S. (IL) will use 130,000 and 50,000 gallons of municipal water, respectively, for hydrostatic testing.</p> <p><b>Recommendations:</b> The Final EIS should address specific requirements for the disposal of all test waters.</p>
FA4-29	<b>Recommendation:</b> We also recommend the Final EIS identify all BMPs that will be used for: 1) water withdrawal in hydrostatic testing to prevent the entrainment of fish and other aquatic organisms, and 2) BMPs to dissipate waters after testing to prevent/minimize erosion and sediment movement.
FA4-30	<b>Recommendation:</b> We recommend that the Final EIS explain what happens inside the pipe after hydrostatic test water has been discharged. Is the pipe dried? If so, are any chemicals used in the pipe drying process?
FA4-31	<p><b>4.3.2.6 General Impacts and Mitigation</b></p> <p><b>Open-cut Crossings:</b> The DEIS (page 4-86) states that Rover proposes to cross all waterbodies and drainages using the open-cut method, except in areas that would be crossed using the horizontal directional drilling (HDD) method.</p> <p><b>Recommendation:</b> In addition to the open-cut crossing method, we recommend that the dry-ditch method also be explained in the Final EIS. We recommend explaining the</p>

FA4-26

Section 4.3.2.5 has been updated to include additional information regarding pre-cleaning. The amount of water that would be used to pre-clean the test segments would vary depending on the length and diameter of each segment and would be in addition to the volumes listed for hydrostatic testing. Rover would be required to follow the best management practices (BMPs) in its Wetland and Waterbody Construction and Mitigation Procedures (Rover's Procedures) for intake and discharge of waters required for hydrostatic testing, including any additional water required for pre-cleaning (e.g. screening of intake hose, use of dissipation devices).

FA4-27

Rover would submit water withdrawal permit applications to the appropriate state agencies. These agencies would determine whether Rover may obtain water from its proposed sources. Typically, given the high volumes of water needed for hydrostatic testing of long, large diameter pipelines, water sources crossed by the Project right-of-way are used in order to prevent the need for transport of water from a more distant source by hose, pipe, or truck. Rover is proposing to use municipal water sources as well as water sources crossed by the Project.

FA4-28

As discussed in section 4.3.2.5, following testing for both the Panhandle and Trunkline Projects, water would be discharged to well-vegetated upland areas at a rate of approximately 450 gallons per minute (gpm). Rover would discharge through an energy dissipating device at a rate of no greater than 2,000 gpm.

FA4-29

As discussed in section 4.3.2.5, Rover would adhere to its Procedures, and Panhandle and Trunkline would adhere to the FERC's Wetland and Waterbody Construction and Mitigation Procedures (FERC's Procedures) regarding hydrostatic test water. These procedures require the use of screens on the intake hose to minimize fish entrainment. Additionally, these procedures require the regulation of discharge rate using dissipation devices. Rover's Procedures and the FERC's Procedures can be found on eLibrary.

FA4-30

Rover would not use desiccants or chemicals to dry the pipe after testing. Section 4.3.2.5 has been updated to include this information.

FA4-31

Section 2.3.2.2 of the EIS describes the various waterbody crossing methods, including open-cut and dry-ditch methods. The section includes a description of two dry-ditch methods; flume and dam-and-pump. The EIS has been updated based on updated crossing methods filed by Rover in June 2016, including dry-ditch crossing methods.



# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-31  
cont'd      reason for picking one method over the other by comparing the two methods to identify the method that would cause the least amount of impact to aquatic resources.

### FA4-32      4.4 Wetlands

The DEIS (page 4-92) states *“Construction of the Project would impact a total of 180.49 acres of wetland, including 40.53 acres of forested wetlands, 27.19 acres of scrub-shrub wetlands, and 112.77 acres of emergent wetlands.”*

The alternatives analysis regarding surface water and wetland crossings is not detailed enough to determine if the preferred alignment has sufficiently avoided and minimized adverse impacts to waters of the U.S. More detail will be needed during permitting.

**Recommendation:** We recommend the Final EIS evaluate alternative locations with fewer wetland impacts for the Burgettstown contractor yard (4.47 acres of wetland impacts) and the Dennison contractor yard (11.39 acres of wetland impacts).

FA4-33      **Section 4.4.1 Existing Wetland Resources** (page 4-89) states that Rover applied to the Corps for a Nationwide Permit 12 for impacts to wetlands. Based on the information available, EPA does not agree that the impacts proposed by Rover are sufficiently minimal to justify the use of a general permit (NWP 12).

**Recommendation:** Based on the information available, including the scale of the project, the number of wetland and stream crossings, and the permanent impacts to forested wetlands proposed, EPA believes that the Rover project should be permitted via an individual Section 404 permit. We recommend that the Corps, which is a cooperating agency on this FERC EIS, work with FERC to identify in the Final EIS how the Corps and MIDEQ propose to permit the Rover Project, i.e., whether an individual permit or NWP 12 is most appropriate for the Rover Project.

FA4-34      **4.4.5 Compensatory Mitigation.** The DEIS (page 4-97) states *“Rover did not provide compensatory wetland mitigation plans as part of its applications for Section 404 Nationwide Permit Number 12 Permits to the COE, the PADEP, the MIDEQ, OHEPA, or WVDEP. However, Rover has been in consultation with these federal and state agencies regarding the possible mitigation options available and has provided a conceptual plan of mitigation possibilities for each state. Rover anticipated finalizing the compensatory mitigation plan for the Project with the COE and MIDEQ by the fourth quarter 2015. However, this has not been completed.”*

**Section 4.4.6 Conclusion:** The DEIS (page 4-99) states: *“With adherence to the Rover Procedures, the state agency requirements, and the Corps permit requirements, impacts on wetlands would be minimized. While adverse and long-term impacts on wetland would occur, with Rover's implementation of its mitigation we conclude the impacts would be reduced to less than significant levels.”*

EPA is concerned that the level of detail of mitigation measures in the DEIS (Sections 4.4.5 and

FA4-32

Based on Project changes filed by Rover in March 2016, the Burgettstown contractor yard and the Dennison contractor yard would no longer result in impacts on wetlands. Section 4.4 has been updated

FA4-33

We will continue to coordinate with the COE and MIDEQ regarding wetland impacts and permit requirements.

FA4-34

As stated in section 4.4.5 of the EIS, appropriate wetland mitigation for the pipeline would be determined by the COE and MIDEQ. We conclude that with appropriate wetland mitigation, as determined by the COE and MIDEQ, and Rover's adherence to its Procedures, that impacts on wetlands would be minimized to the extent practicable.

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Appendix T

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-34  
cont'd 4.4.6), including details regarding wetland mitigation, do not demonstrate this level of certainty. Because of the large scope of the whole project, the proposal will have more than minimal impacts. Mitigation for long-term impacts to waters of the U.S. is required, including “temporary impacts” to forested and scrub shrub wetlands.

**Recommendation:** EPA recommends the Final EIS include the wetland/stream compensatory mitigation plan that includes, but is not limited to, compensation for the temporal as well as permanent loss of forested and scrub shrub wetlands. Provide an update on the plans approval status by the Corps and MIDEQ.

FA4-35 **4.5 Vegetation**  
**4.5.1 Existing Vegetation Conditions** (page 4-99)  
The DEIS (page 4-101) discloses that the Rover Project would impact 9,227.6 acres of vegetated land during construction and 3,460.5 acres of vegetated land during operation. Of the Rover Project acres affected by construction 2,991.4 are upland forested areas, 760.8 acres are upland open lands, 5,294.9 acres are agricultural lands, and 180.5 acres are wetlands including 40.4 acres of forested wetlands (page 4-103).

Upland forest/Core Forest/Forest Fragmentation/Invasive Species

*“Upland forest habitat would be impacted by the construction right-of-way as well as additional temporary workspace and is present throughout Pennsylvania, West Virginia, Ohio, and Michigan. The pipelines would cross large tracts of forested areas in West Virginia, Pennsylvania, and southeastern Ohio where forested tracts of 100 acres are prevalent, but as they continue west through Ohio and north through Michigan, agricultural and open land are predominant and large (100-acre) forested tracts become more rare.” (Page 4-101)*

Upland forests play an important role in protecting water quality in the immediate watershed, providing wildlife habitat and acting as a carbon sink. Less than 25 percent of Rover’s proposed pipeline routes would use or abut existing utility or road rights-of-way (ROW); thereby fragmenting forest land. Forest fragmentation reduces forest habitat and provides an opening for invasive species to move in and establish themselves. In addition, the loss of forest likely reduces the amount of carbon currently sequestered by the trees that would be removed.

EPA agrees with FERC staff conclusion (page 4-103) that impacts on the upland forest habitat is significant. The DEIS does not include an upland forest compensation mitigation plan.

**Recommendations:** EPA recommends the Final EIS:

- 1) Include an estimate of the amount of carbon capture that will be lost due to the removal of forest for construction/operation of the Rover Project.
- 2) Identify any compensatory mitigation the project proponents intend to undertake for the temporal and permanent loss of upland forest.

FA4-36

FA4-35

Approximately 61 percent of the upland forest removed during construction would be allowed to regrow over the long-term during operations. In addition, Rover is coordinating with the FWS regarding mitigation for upland forest migratory bird habitat impacts, including voluntary mitigation funding. Collectively, these measures would mitigate potential impacts on climate change resulting from the loss of carbon sinks.

FA4-36

As discussed in section 4.6.1.5, Rover would be required to file its final Migratory Bird Conservation Plan prior to the start of construction. Included in this plan would be minimization measures and information on Rover’s voluntary mitigation funding for lost migratory bird habitat.

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-37 3) Identify any required forest compensation Rover will undertake as identified in the final "Migratory Bird Conservation Plan" under the Migratory Bird Treaty Act (MBTA).

FA4-38 **4.5.3 Interior Forest Habitat**  
The DEIS does not identify the amount (number and acres) of interior forest cores that will be affected by the Projects.  
  
**Recommendations:** We recommend that the Final EIS include a map/figure in this section to document the areas of forest core that will be impacted, as well as a table here that identifies by county and state the amount (number and acres) of interior forest core that will be lost and the amount (feet) of edge habitat that will be created due to construction and operation of the Projects, and identify and discuss potential mitigation for core forest loss.

FA4-39 **4.5.4 Noxious Weeds and Other Invasive Plant Species** (page 4-104)  
The DEIS is not clear (page 4-104) whether Rover will develop and implement an Invasive Species Management Plan for construction, operation and maintenance of the Rover Project.  
  
**Recommendation:** EPA recommends the Final EIS include Rover's Invasive Species Management Plan for the Rover Project, and the highlights of the plan be discussed in this section of the FEIS.

FA4-40 **4.6 Wildlife and Aquatic Resources**  
**4.6.1.2 Sensitive or Managed Wildlife Habitats** (pages 4-108 -4-110)  
*Table 4.6.1-1 Managed Wildlife Habitats Crossed by the Rover Pipeline Project* (page 4-109) identifies that six Sensitive Habitats in Ohio administered by the National Audubon Society and one Sensitive Habitat in Michigan administered by the Michigan Department of Natural Resources (MDNR) will be crossed by the project. The Michigan site and 4 Ohio sites have existing forest habitat. The six Ohio sites are identified as Important Bird Areas (IBA). The DEIS (page 4-110) states "IBAs are noted as priority areas in the 2011 Memorandum of Understanding between the U.S. Fish and Wildlife Service (FWS) and the FERC regarding the conservation of migratory birds under the MBTA."  
  
**Recommendation:** We recommend this section of the Final EIS present the results of any negotiations between Rover, FWS and the administrators of the seven Sensitive Habitats identified on Table 4.6.1-1, including requested/required mitigation measures.

FA4-41 The DEIS (page 4-110) discloses that Rover would not cross sensitive wildlife habitats, managed wildlife habitats, or IBAs in West Virginia and Pennsylvania.  
  
**Recommendation:** EPA recommends the Final FEIS identify whether sensitive wildlife habitats, managed wildlife habitats, or IBAs are near Rover's proposed pipelines and related facilities in West Virginia and Pennsylvania. If applicable, identify potential impacts and mitigation measures.

FA4-37 See the response to FA4-36.

FA4-38 Impacts and mitigation associated with the loss of interior forest land on wildlife are further discussed in section 4.6.1.3. Section 4.5.3 has been updated to include the acres of interior forest impacted by the Project. Additionally, the EIS acknowledges that impacts on forested land, including interior forest, would be significant. However, Rover is in consultation with the FWS to develop mitigation plans and voluntary mitigation funding for the loss of migratory bird habitat.

FA4-39 Section 4.5.4 has been updated with information on Rover's Invasive Species Plan, and the plan has been added to appendix G of the EIS.

FA4-40 Section 4.6.1.5 discusses the status of consultation with the FWS and includes our recommendation that Rover file its final Migratory Bird Conservation Plan that includes documentation of its consultation with the FWS. Mitigation measures for the Important Bird Areas (IBAs) crossed by the Project would be included in Rover's final Migratory Bird Conservation Plan.

FA4-41 Section 4.6.1.2 reflects the best-available information on IBAs, managed wildlife habitat, and sensitive wildlife habitat provided by the FWS, state wildlife agencies, Rover, and our independent research. Additional federal, state, and recreation lands that are within 0.25 mile of the Project are listed in table 4.8.5-1 and impacts are discussed in section 4.8.5.

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## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-42 **4.6.1.5 Migratory Birds** (page 4-114)  
The DEIS (page 5-7) states *"We are recommending that Rover provide its final Migratory Bird Conservation Plan which should include details of the FWS' required compensation and mitigation measures. Additionally, we are recommending that Rover restrict all tree clearing to between October 15 and March 31 for the entire project to avoid impacts on listed bat species. Because this timing window encompasses the clearing window for Migratory Birds (and is further restrictive) this recommendation would also avoid impacts on Migratory Birds."*

**Recommendation:** EPA recommends the Final EIS include the final Migratory Bird Conservation Plan that includes FWS's required compensation and mitigation measures. The portions of the final Migratory Bird Conservation Plan pertinent to *4.6.15 Migratory Birds*, and *4.4.2 Federally Listed Species and Species Proposed for Listing* should be discussed under these sections of the Final EIS.

FA4-43 **4.7 Special Status Species**  
**4.4.2 Federally Listed Species and Species Proposed for Listing**  
Sixteen federally listed, threatened or endangered species are potentially present in the vicinity of the Rover Project (page ES-6).

**Recommendation:** We recommend the Final EIS include the FWS Biological Opinion. Required mitigation should be identified in the applicable sections of the Final EIS.

FA4-44 **4.7.3 State-listed Species**  
Fifty-six species are state-listed as threatened, endangered, or were noted by the applicable state agencies as being of special concern (page ES-6).

**Recommendation:** EPA recommends the Final EIS identify state agencies' species-specific required/requested mitigation and discuss how Rover will implement the mitigation measures.

FA4-45 **4.8 Land Use, Recreation, Special Interest Areas and Visual Resources**  
The DEIS (page 4-159) states *"Construction of the Rover Project would impact a total of 9,600.8 acres. . . . Operation of the Rover Project would permanently encumber 3,507.8 acres."*

**4.8.1.2 Pipeline Facilities** (page 4-159)  
Impermeable surfaces associated with the Projects may affect water resources, flooding, and groundwater recharge.

**Recommendation:** We recommend the Final EIS disclose the amount (acres) of land that will be converted from permeable surfaces to impermeable surfaces, such as pavement or aboveground structures. Identify mitigation measures in the Final EIS.

FA4-46 **4.8.3.2 Planned Developments** (page 4-168)

FA4-42 See the response to comment FA4-36 regarding the Migratory Bird Conservation Plan.

FA4-43 Section 4.7 has been updated with additional information regarding the status of consultations required for compliance with the Endangered Species Act (ESA). We requested that the FWS consider the draft EIS our biological assessment for the Rover Pipeline Project. After a review of the EIS, the FWS would issue its biological opinion, and any applicable conservation measures and enforceable terms and conditions.

FA4-44 As per our recommendation in section 4.7.3, Rover is continuing to coordinate with state agencies regarding state-listed species

FA4-45 Sections 4.8.1.3 and 4.8.1.5 have been updated to include a discussion of the conversion of land to industrial use (including impervious surfaces).

FA4-46 As stated in section 4.8.3.1, no structures would be allowed within the permanent right-of-way.

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## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-46  
cont'd      **Recommendation:** EPA recommends the Final EIS identify and discuss any covenants on properties that would prevent land owners building in the ROW of the pipelines for those lands that are leased or owned.

FA4-47      **4.8.6 Hazardous Waste**  
The DEIS (page 4-177) states “Based on field and database research, as well as in consultation with state environmental agencies, Rover identified one brownfield site about 350 feet south of MP BGL 16.3.”

**Recommendation:** In this section of the Final EIS, we recommend that FERC list all the databases that were used to search for hazardous waste sites along the proposed pipeline construction routes. This should include, but not limited to, leaking underground storage tanks (LUSTs), and Resource Conservation and Recovery Act (RCRA) corrective action sites going through remediation.

FA4-48      **4.9 Socioeconomics**  
**4.9.8 Environmental Justice**  
The DEIS (page 2-201) states “*Executive Order 12898 (EO 12898) on Environmental Justice recognizes the importance of using the NEPA process to identify and address, as appropriate, any disproportionately high and adverse health or environmental effects of federal programs, policies, and activities on minority populations and low-income populations.*” An important reason for identifying communities with environmental justice (EJ) concerns in the EIS is to use this information to communicate the impacts of the project.

FERC’s DEIS identification of minority and/or low-income populations (persons below poverty level) is at a county-level to state-level comparison of U.S. Census Bureau 2015b statistics for the Rover Project, presented in Tables 4.9.8-1 and 4.9.8-2. Statistical information is not provided for the Trunkline Backhaul and Panhandle Backhaul projects.

**Recommendations:**

1) EPA recommends using census-tract-level information to initially help define/locate environmental justice populations/communities. FERC may wish to look at <http://www.epa.gov/ejscreen>.

FA4-49      2) We recommend the Final EIS also include statistical information and analysis regarding potential for EJ populations near the facilities associated with Trunkline Backhaul Project and Panhandle Backhaul Project.

FA4-50      Regarding the Rover Project the DEIS (page 4-205) states: “*Seven of the 27 counties have a poverty rate that is higher than the respective state. Three of the 10 counties where compressor stations are proposed have a poverty rate that is higher than the respective state. The highest poverty rate in the area of the Rover Project is in Tyler County, West Virginia, at 19.9 percent, although this rate is only 2 percent higher than the statewide average for West Virginia, which is at 17.9 percent. The largest discrepancy between state and county poverty rates occurs in Monroe County, Ohio, where the poverty rate is 19.0 percent and the statewide average is 15.8*

FA4-47      See the response to comment FA4-14 regarding research into hazardous waste sites.

FA4-48      Section 4.9.8 has been updated with information by census tract.

FA4-49      The Panhandle and Trunkline Projects would involve updates within existing facilities owned or leased by the applicants. Given the limited scope of these facility modifications we do not expect any disproportionate impacts would occur on Environmental Justice communities.

FA4-50      Section 4.9.8 has been updated to assess Environmental Justice by census tract. As discussed in the section, we conclude that low income and minority populations would not be disproportionately affected by the pipeline.

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# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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cont'd

percent, a difference of 4.2 percent. . . . Although the racial and economic composition of the counties traversed by the Projects shows some deviations from state-level statistics, there is no evidence that the Projects would cause a disproportionate share of adverse environmental or socioeconomic impacts on any racial, ethnic, or socioeconomic group. . . . The primary health issues related to the Rover Project would be the risk associated with an unanticipated pipeline or compressor station failure."

The DEIS lacks information that demonstrates specific efforts FERC and Project Proponents made to further identify/locate and contact communities with environmental justice concerns regarding the proposed Projects. The DEIS does not identify opportunities there maybe for training and hiring low-income populations for Projects' construction and/or operation and maintenance.

**Recommendations:** EPA recommends the Final EIS:

1) Identify the number/percentage of low-income/minority individuals/populations in relation to the general population that live (own/rent/reside) within or near the Projects' areas that would be at risk of injury due to unexpected pipeline and/or associated facilities failure.

FA4-51

2) Identify the specific efforts FERC and Projects Proponents made and will make to further identify/locate and contact communities with EJ concerns regarding the proposed Projects.

FA4-52

3) Identify and discuss any opportunities there may be to train and employ low-income individuals for Projects' construction and/or operation and maintenance.

FA4-53

4) Demonstrate how construction or operational impacts in these communities are not disproportionately high compared to impacts to other communities (see our comments under "Noise").

FA4-54

5) Incorporate new/additional information and analysis since the DEIS into the cumulative impacts analysis, if applicable.

FA4-55

**4.11.2 Noise**  
**4.11.2.2 Construction Noise Impacts and Mitigation** (pages 4-237 – 4-242)  
The DEIS (page 4-237) states "*Although nighttime noise would generally not increase during construction, certain HDD activities could continue into nighttime hours. Because of this and the fact that the equipment involved in the HDDs would be stationary for an extended period of time, there is a greater potential for prolonged noise impact. Rover proposes to use the HDD method at 31 locations. The length of the activity at each HDD site would be from 2 to 8 months.*"

Table 4.11.2-3 Noise Quality Analyses for the Noise-Sensitive Area (NSA) Closest to each Horizontal Directional Drilling Site (pages 4-238 – 4-240) show 28 NSA areas where noise would be above the FERC requirement of 55 dBA L<sub>dn</sub>. Twenty-three (23) NSA areas may

FA4-51

As discussed in the EIS, the public has had the opportunity to comment throughout the FERC process, including open houses, scoping meetings, and draft EIS comment meetings. Additionally, the public can mail or file electronically any comments that they have on the Project, including topics regarding Environmental Justice issues. The FERC will continue to accept comments after the end of the comment period.

FA4-52

As stated in section 4.9.1, Rover anticipates that half of its construction workforce would be contracted with local union labor workers. Rover has no plans to directly train or employ low-income individuals.

FA4-53

Section 4.9.8 has been updated to identify census tracts where individuals could be impacted by noise from compressor stations and horizontal directional drills (HDDs). Additionally, as discussed in section 4.11.2, construction and operation of the Projects would not result in significant noise impacts. With the proposed mitigation measures and our recommendation regarding noise from HDDs, sound levels at all Noise Sensitive Areas (NSAs) are expected to meet the FERC criterion, and Environmental Justice communities would not be disproportionately affected.

FA4-54

No updates were needed to the cumulative impacts analysis for socioeconomics.

FA4-55

Table 4.11.2-3 has been updated to reflect Rover's March 28, 2016 supplemental filing of a revised HDD noise analysis, including noise mitigation. No NSAs would experience noise above 55 dBA (decibels on A-weighted sound level) day-night sound level (L<sub>dn</sub>) from the HDD activity, and therefore there would be no significant impacts on any NSAs, regardless of whether the residents are considered an Environmental Justice population. With respect to EPA's request for the make-up of each NSA, this information is not currently available. Further, over the life of the facility the make-up of a residence may change. We use a 55 dBA L<sub>dn</sub> criterion, based on EPA studies, that prevents indoor or outdoor activity interference, well below a level that could cause loss of hearing or pain. Therefore, our criterion is protective of all individuals, regardless of age, race, or income.

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## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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cont'd

experience a clearly noticeable noise increase and 19 of the 23 may experience a doubling or more of noise.

These increased noise levels may, in part, affect sleep patterns and consequently, adult job performance and children's ability to learn in school. The DEIS does not disclose the specifics regarding each NSA area associated with HDD activities. For example, are some NSAs schools and/or do school aged children live in an NSA residence that would be affected by increased noise levels? How many and which NSA's are part of an environmental justice community? Would noise impacts be disproportionately born by environmental justice communities?

**Recommendations:** EPA recommends the Final EIS provide more detailed information regarding the make-up of each NSA (e.g., residence with school aged children, a school, etc.) identified on Table 4.11.2-3. Identify whether each NSA is part of a community with EJ concerns, and assess and disclose whether there would be a disproportionate noise impact. Identify and discuss appropriate mitigation measures.

FA4-56

**4.11.2.3 Operation Noise Impacts and Mitigation** (pages 4-242 – 4-246)  
*Table 4.11.2-5 Noise Analyses for NSAs within 1.0 Mile of the Rover Pipeline Project Compressor Stations* (pages 2-244) identifies all NSAs are residences, but does not identify if any of the residences have school-age children. The Table appears to show that 23 of the NSAs already experience calculated ambient  $L_{dn}$  noise levels above 55 dBA. In addition, Table 2.11.2-5 shows 26 of the NSAs would experience noise levels at or above 55 dBA  $L_{dn}$  if the Rover Project is implemented. However, the DEIS (page 4-244) states "*As shown in table 4.11.2-5, noise levels from each compressor station are projected to be below the FERC criterion of 55 dBA Ldn.*"

**Recommendation:** EPA recommends the Final EIS clarify/explain/correct the statements made in the text with the information contained in Table 4.11.2-5.

FA4-57

The DEIS (page 4-242) discloses that the operational noise analysis includes Rover's use of its identified mitigation measures.

**Recommendation:** EPA recommends Table 4.11.2-5 include additional information that compares the calculated compressor station contribution  $L_{dn}$  (dBA) noise levels with and without Rover's identified mitigation measures. In addition, Rover's identified mitigation measures should be listed in the Table's footnotes.

FA4-58

*Table 4.11.2-6 Calculated Operational Noise Levels at the Noise Sensitive Area with Highest Baseline Sound Level for Rover's Meter Stations* (page 4-245). "*Table 4.11.2-6 identifies the closest NSA, its distance and direction from the proposed Project component, and the measured ambient sound levels and the results of the acoustical assessment for the operation of the Rover meter stations. The table results include mitigation measures at the CGT, Hall, Gulfport, and Consumers Meter Stations. With these measures in place, noise from the operation of the meter stations would not exceed the FERC's criterion.*"

FA4-56

EPA appears to misinterpret the table and text. We identify background noise levels to establish an existing baseline. Our criterion is that the noise contribution from the compressor stations only not exceed 55 dBA  $L_{dn}$ . In all instances where the existing noise level is above 55 dBA  $L_{dn}$ , the compressor stations would not result in a perceptible increase in noise (i.e. less than 3 dBA increase).

FA4-57

Section 4.11.2.3 already identifies Rover's proposed mitigation measures in the text associated with the table. We find the total noise contribution, as presented in the table, including the noise mitigation, to be sufficient for disclosing and assessing impacts on noise.

FA4-58

We find the total noise contribution, as presented in the table including the noise mitigation, to be sufficient for disclosing and assessing impacts on noise

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-58 cont'd	<b>Recommendation:</b> EPA recommends Table 4.11.2-6 include additional information that compares the calculated meter station contribution $L_{dn}$ (dBA) noise levels with and without Rover's identified mitigation measures. We note the footnotes in this table identify Rover's noise reduction measures.
FA4-59	<p>Page 4-245, "The Panhandle and Trunkline modifications do not include any additional compression or significant new noise sources. Therefore, the modified facilities would not generate additional noise beyond that of existing operations."</p> <p><b>Recommendation:</b> EPA recommends the Final EIS identify the existing noise levels associated with NSAs for the existing facilities where proposed modifications will take place for Panhandle and Trunkline Projects. If applicable, identify mitigation measures Panhandle and Trunkline could take to reduce noise levels at their facilities.</p>
FA4-60	<p>Page 4-245, "In addition to the operational noise discussed above, pipeline blowdown events would also generate noise impacts at the mainline valve sites, and station blowdown events would generate noise at the compressor stations."</p> <p><b>Recommendation:</b> The DEIS does not identify how often blowdown events typically occur. EPA recommends the Final EIS identify the expected frequency of blowdown events.</p>
FA4-61	<p><b>4.12 Reliability and Safety</b> DEIS (page 4-225) states "Rover would prepare an emergency response plan that would provide procedures to be followed in the event of an emergency that would meet the requirements of 49 CFR 192.615."</p> <p><b>Recommendation:</b> EPA recommends the Final EIS include Rover's Emergency Response Plan.</p>
FA4-62	<p><b>4.13 Cumulative Impacts</b> <b>4.13.2 Natural Gas Production</b></p> <p><u>Indirect Effects</u> The DEIS (pages ES-10 and 5-14) states that the proposed project will facilitate distribution of existing reserves that are currently stranded at the source due to a lack of infrastructure. However, the DEIS contains limited analysis of the potential impacts of natural gas development to supply the Rover project.</p> <p><b>Recommendations:</b> We recommend the Final EIS consider the potential for increased natural gas production as a result of the proposal and the potential for environmental impacts associated with these potential increases.</p>
FA4-63	<p><b>Analysis of Cumulative Impacts</b></p> <p><u>Water Resources / Surface Waters / Wetlands</u> The cumulative effects analysis for water resources included in the DEIS focuses on the short-</p>

FA4-59

We disagree. As described in section 4.11.2.3, the proposed Panhandle and Trunkline modifications would not alter operational noise at those locations. Thus, no additional noise analysis is warranted.

FA4-60

As stated in section 4.11.2.3 - Operational Noise, unplanned blowdown events occur only during emergency and are rare and unlikely. Planned blowdown events would occur during owner initiated inspection or maintenance. The duration would be 20 minutes to 2 hours and would occur once a year.

FA4-61

Section 4.12.1 discloses that Rover would prepare an emergency response plan, per U.S. Department of Transportation (DOT) requirements. However, this plan is currently not available, nor are we a reviewing entity of this plan. Commentors wishing to review this plan should contact the DOT, once it is available.

FA4-62

As stated in section 4.13.1, the Commission's practice is to conduct an environmental review for each proposed project or a number of projects that are interrelated or connected. Actions are 'connected' if they: trigger other actions that may require EISs, will not proceed unless other actions are taken, or are interdependent parts of a larger action (depending on the larger action for their justification)[40CFR 1508.25(a)(1)]. The National Environmental Policy Act (NEPA) does not require speculative analyses that will not meaningfully inform the decision-making process. If we were able to identify a sufficient connection between the proposed Project and specific upstream development (or downstream end-use), it would be difficult if not impossible to meaningfully consider these impacts as any emission estimates would be based primarily on broad or conflicting assumptions. As such, lifecycle emissions are not addressed in the EIS, although cumulative analyses of greenhouse gas (GHG) emissions for the proposed Project along with other related projects with useful GHG estimates were considered.

FA4-63

Cumulative impacts of the Rover Project along with other projects occurring or reasonably foreseeable in the same watersheds were considered in our cumulative impacts assessment. The impacts by watershed are presented in appendix S and generally summarized in section 4.13.6.



# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-63 cont'd	<p>term nature of many of the adverse effects proposed. Although BMPs and site restoration function to minimize impacts from the proposed project, the long-term effects of converting forested wetlands to emergent wetlands, and the cumulative impact of constructing multiple crossings within the same watershed within a short period of time may have a cumulative adverse impact on surface waters. The DEIS lacks an analysis of cumulative impacts within specific watersheds needed to assess whether there would be a significant cumulative adverse impact on any waters of the U.S.</p> <p><b>Recommendation:</b> EPA recommends the Final EIS provide an analysis of impacts based on specific watersheds for cumulative effects analysis.</p>
FA4-64	<p><u>Upland Forest / Core Forest and Wildlife Habitat</u></p> <p>As discussed earlier, the DEIS does not identify the amount of forest core or analyze impacts to core forest and associated wildlife by the Rover Project. In addition, the DEIS does not attempt to estimate the amount and assess/analyze impacts to upland forest, core forest and impacts to associated wildlife due to the projects listed in DEIS <i>Appendix S – Existing or Proposed Projects in the Region of Influence Evaluated for Potential Cumulative Impacts</i>. Bisected forests due to linear projects such as the Rover Project reduce the habitat for certain bird and mammal species that live in interior forests and assist in the spread of invasive species.</p> <p><b>Recommendation:</b> We recommend the Final EIS include a cumulative impacts analysis regarding upland forest, core forest and associated wildlife. Include an upland forest / core forest mitigation plan for the Rover Project in the Final EIS. EPA recommends that the plan address control of invasive species.</p>
FA4-65	<p><u>Socioeconomic / Environmental Justice</u></p> <p>See EPA's earlier comments under <b>4.9 Socioeconomics / 4.9.8 Environmental Justice</b> regarding our recommendations for additional information to include in the Final EIS.</p> <p><b>Recommendation:</b> EPA recommends that the Final EIS include any additional information developed regarding environmental justice communities and associated impacts in the cumulative impacts analysis.</p>
FA4-66	<p><u>Greenhouse Gas Emissions</u></p> <p>The Draft EIS included a helpful discussion of the greenhouse gas (GHG) emissions associated with construction of the project, and annual emissions from the operation of the compressor stations, but did not include estimates of the GHG emissions associated with the production, leakage, and combustion of the natural gas brought into production as an indirect effect of this project. Because of the global nature of climate change, regardless of where the ultimate end use of the natural gas occurs, these additional greenhouse gas emissions attributable to the project would affect the U.S. Because of the causal relationship between this project and the emissions, it is appropriate and consistent with NEPA and CEQ regulations to consider and disclose the emissions levels in NEPA analyses.</p> <p>The U.S. Department of Energy (DOE) has issued two documents that are helpful in assessing the GHG emissions implications of the project. They are "Addendum to Environmental Review</p>

FA4-64

Rover has developed and filed an Invasive Species Plan for the Project (see appendix G). Section 4.13 has been updated to include a discussion of Rover's ongoing coordination with the FWS regarding mitigation for upland forest impacts.

FA4-65

As no impacts on Environmental Justice communities were identified based on our updated analysis in section 4.9.8, no updates are required to the cumulative impacts section.

FA4-66

See the response to comment FA4-62 regarding the FERC's cumulative analysis of GHGs and lifecycle emissions.

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Appendix T

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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FA4-66  
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Documents Concerning Exports of Natural Gas from the United States,"<sup>1</sup> and the National Energy Technology Laboratory's (NETL) report, entitled "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States."<sup>2</sup> Although the NETL report focuses on liquefied natural gas, together, these reports can provide a helpful overview of GHG emissions from all stages of a project, from production through transmission and combustion. The NETL report includes comparative analysis of GHG emissions associated with other domestic fuel sources and natural gas exports as they relate to other possible fuel sources in receiving regions. This information can help decision makers review foreseeable GHG emissions associated with the increased production and export of natural gas compared to other possible fuels.

In the DEIS, FERC includes comparisons of project-level greenhouse gas emissions to nationwide and global emissions. We do not recommend comparing GHG emissions from a proposed action to global emissions, total state, or U.S. emissions, as these comparisons obscure rather than illuminate consideration of GHG emissions under NEPA.

**Recommendations:** We recommend that the Final EIS include estimates of emissions from production, leakage, and combustion of the natural gas brought into production. We also recommend that both DOE reports be considered as part of the decision making process for this project and incorporated by reference in future NEPA documents. FERC may also want to consider adapting DOE's analysis to more specifically consider the GHG implications of projects.

We recommend that FERC remove comparisons of the proposed project's estimated emissions to aggregate emissions.

FA4-67

### Methane Leakage

The DEIS does not contain estimates of methane leakage along the transport route. EPA has compiled useful information on technologies and practices that can help reduce methane emissions from natural gas systems, including specific information regarding emission reduction options for natural gas transmission operations.<sup>3</sup>

**Recommendation:** We recommend including estimates of methane leakage along the route. Additionally, we recommend that the Final EIS describe potential BMPs to reduce leakage of methane associated with operation of the pipeline and compressor stations.

FA4-68

### Climate Change

DEIS Page 4-279 states "The U.S. Global Change Research Program's report notes the following observations of environmental impacts that may be attributed to climate change in the Midwest region:"

<sup>1</sup> Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States. DOE. ([http://energy.gov/sites/prod/files/2014/05/16/Addendum\\_0.pdf](http://energy.gov/sites/prod/files/2014/05/16/Addendum_0.pdf))

<sup>2</sup> Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States. DOE/NETL-2014/1649 (<http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>)

<sup>3</sup> ([http://www.epa.gov/gasstar/methaneemissions/onshore\\_transmission\\_storage.htm](http://www.epa.gov/gasstar/methaneemissions/onshore_transmission_storage.htm))

FA4-67

Section 4.11.1.3 - Operation Emissions identifies the fugitive GHG emissions from the transmission pipeline, including pipeline blowdowns and venting.

FA4-68

During operation of the Project, Rover would conduct routine monitoring of the right-of-way to ensure the integrity of the pipeline, including checking for pipe exposure from scouring or erosion.

# FEDERAL AGENCIES

## FA4 – U.S. Environmental Protection Agency (EPA) (cont'd)

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cont'd

- *more frequent days with temperatures above 90° F;*
- *a longer growing season;*
- *increased heavy precipitation;*
- *less winter precipitation falling as snow and more as rain; and*
- *rising sea surface temperatures and sea level."*

**Recommendation:** EPA recommends the Final EIS discuss the Projects Proponents' and FERC's consideration of the Projects' susceptibility to impacts associated with climate change and identify mitigation measures. For example, discuss the risk of the Projects' pipelines being exposed due to increases in flooding, scouring, and/or upland erosion due to expected heavy precipitation events associated with climate change.

FA4-69

### 5.0 Conclusions and Recommendations

The DEIS (page 5-1) states *"The conclusions and recommendations presented in this section are those of the FERC environmental staff. Our conclusions and recommendations were developed with input from the EPA, COE, FWS, OHEPA, and WVDEP as cooperating agencies."*

**Recommendation:** This section in the Final EIS will need to be updated after consideration of additional input provided by the cooperating/resources agencies and others since FERC's release of the DEIS for public and agency review and comment.

FA4-69

Section 5.0 has been updated based on changes to the Project as well as input from agencies and the public.

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Appendix T

# FEDERAL AGENCIES

## FA5 – U.S. Department of the Interior – Fish and Wildlife Service

Appendix T

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### United States Department of the Interior

#### FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990  
Bloomington, Minnesota 55437-1458



IN REPLY REFER TO:

FWS/ES-HC

APR 20 2016

Joey Mahmoud  
Energy Transfer  
1300 Main Street  
Houston, TX 77002

Dear Mr. Mahmoud:

FA5-1

This letter represents the comments of the U.S. Fish and Wildlife Service (Service) on the Draft Migratory Bird Conservation Plan (DMBCP) for the Rover Pipeline Project (Rover). These comments are provided pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401; 16 U.S.C. 661 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668c), the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712), Executive Order 13186 (E.O. 13186): Responsibilities of Federal Agencies to Protect Migratory Birds (January, 2001), and the Memorandum of Understanding (MOU) Between the Federal Energy Regulatory Commission and the U.S. Department of the Interior United States Fish and Wildlife Service Regarding Implementation of Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds" (March, 2011).

According to the February 2016 Draft Environmental Impact Statement (DEIS) for Rover, the project will include approximately 510.7 miles of new pipeline and right-of-way (ROW) and is expected to affect 9,227.6 acres of vegetated land, including 2,991.4 acres of upland forest and 760.8 acres of open uplands. The project will be co-located with existing ROWs for approximately 24% of the proposed alignment.

#### Direct Impacts

Upland forest and open uplands provide habitat for numerous bird species protected by the MBTA, and the Service considers that, given the large acreage subject to impacts, the Rover project has significant potential to result in take of migratory birds. The MBTA defines take as "to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess... any migratory bird, any part, nest, or eggs of any such bird..." (16 U.S.C. 703). The DMBCP acknowledges the potential to take birds, stating "Direct effects from construction include displacement of birds along the right-of-way and possible mortality of some individuals" and "construction could disrupt bird courting or nesting, and foraging and breeding behaviors".

FA5-1

Based on Rover's updated Biological Evaluation filed in April 2016, Rover has committed to restrict tree clearing to between October 15 and March 31. This clearing window would also encompass the FWS requested window for migratory birds.

FEDERAL AGENCIES

FA5 – U.S. Department of the Interior – Fish and Wildlife Service (cont’d)

FA5-1  
cont'd

Regarding take, the DMBCP states “Rover has considered the construction and operational effects to bird species throughout the development of the Project and has taken steps to avoid or minimize such effects.” **The Service does not agree that the conservation measures described in the DMBCP adequately avoid and minimize the potential for migratory bird take.** For example, the DMBCP states “it is expected that most bird species would leave the construction work areas as construction activities approach”. The Service disagrees: while adult birds may flee construction activity, nests and nestlings are not mobile and may be destroyed by tree clearing or construction. If a nest is destroyed after eggs hatch, many bird species will not re-nest, resulting in failed reproduction for the year. The DMBCP clearly states that vegetation clearing will be conducted during the bird nesting season. We do not believe this measure is consistent with avoiding and minimizing take of migratory birds.

**To avoid and minimize take of migratory birds during construction of the proposed Rover project, we strongly suggest Rover avoid vegetation clearing in migratory bird habitat (particularly upland forest, open uplands, and wetlands) during the migratory bird breeding season, from May 15 – August 15, and to update the DMBCP accordingly.** These dates have been communicated to Rover previously and are cited in the DEIS (page 4-120). Bird nests and nestlings in particular are likely to be destroyed during summer vegetation clearing, and we do not believe it is practicable to avoid nests by visual inspection prior to clearing. We do not expect construction that occurs on land where vegetation has been cleared prior to the breeding season (trees and shrubs cut and stacked, grass cut to 5” or less) to have a significant impact on migratory birds.

In the DEIS for the Rover project, Federal Energy Regulatory Commission (FERC) staff make the recommendation “During construction of the Project, Rover should adhere to the FWS tree clearing window for listed bat species and should restrict tree clearing activities to between October 15 and March 31 for the entire Project” (page 4-133). This clearing window takes into account the active season for bats listed under the ESA and encompasses the migratory bird breeding season we address above. We concur that adherence to this recommendation would minimize the potential for take of migratory birds.

FA5-2

**Habitat Impacts**

In addition to direct impacts that may result in take, the loss of habitat may detrimentally affect migratory birds. The DMBCP acknowledges this potential, noting “The cutting, clearing, and/or removal of existing vegetation could also affect bird species by reducing the amount of available habitat.” Also noted in the DMBCP, construction in large contiguous tracts of habitat can be particularly detrimental, as the ROW can fragment the surrounding habitat. Migratory birds in fragmented habitat are subject to deleterious effects of invasive species, nest predators, brood parasites, and increased competition from edge species.

Executive Order 13186 includes an order for federal agencies to “restore and enhance the habitat of migratory birds, as practicable”. The FERC and the Service have signed a memorandum of understanding (MOU) that focuses on avoiding or minimizing adverse impacts on migratory birds and strengthening bird conservation through enhanced collaboration between the two agencies. The MOU states that “It is in the interests of both Parties that potential impacts, direct and indirect, are thoroughly assessed and unavoidable impacts are appropriately mitigated.” The

FA5-2

The commentor’s statement regarding the services uses of a Habitat Equivalency Analysis (HEA) is noted.

# FEDERAL AGENCIES

## FA5 – U.S. Department of the Interior – Fish and Wildlife Service (cont'd)

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definition for mitigation in the MOU is taken from NEPA regulations which includes, "e) compensating for the impact by replacing or providing substitute resources or environments" ( 40 CFR, Section 1508.20).

The DMBCP does not address compensatory mitigation for migratory bird habitat. **Where impacts cannot be avoided or fully minimized, the Service recommends that Rover provide compensatory mitigation for removed habitat which was used by either migratory birds (under E.O. 13186 and the 2011 MOU between FERC and the Service) or by listed species (under the ESA), and to update the DMBCP accordingly.** In section 4.6.1.5 of the Rover DEIS, the FERC staff made the following recommendation supporting compensatory mitigation for migratory bird habitat: "Prior to construction, Rover should file with the Secretary, for review and written approval of the Director of OEP, its final Migratory Bird Conservation Plan that includes documentation of its consultation with the FWS regarding avoidance and minimization measures, as well as compensatory mitigation" (page 4-121).

The Service uses a process called Habitat Equivalency Analysis (HEA) to estimate the amount of mitigation land required to recover the lost services of impacted habitat. The HEA process provides an objective and fair method for estimating mitigation across a variety of projects and habitats. We have completed a preliminary estimate for compensatory mitigation for Rover, which we will discuss with Rover staff at our scheduled meeting on April 21, 2016.

We appreciate the opportunity to comment on Rover's Draft Migratory Bird Conservation Plan, and look forward to continuing consultation regarding Rover's efforts to conserve migratory birds and their habitats. For further communication, please contact Jeff Gosse ([jeff\\_gosse@fws.gov](mailto:jeff_gosse@fws.gov)) or Elizabeth Rigby ([elizabeth\\_rigby@fws.gov](mailto:elizabeth_rigby@fws.gov)) at the USFWS regional office in Bloomington, MN.

Sincerely,



Lynn Lewis  
Assistant Regional Director  
Ecological Services  
Midwest Region

cc: Kevin Bowman, FERC: [kevin.bowman@ferc.gov](mailto:kevin.bowman@ferc.gov)  
Christine Allen, FERC: [christine.allen@ferc.gov](mailto:christine.allen@ferc.gov)  
Kim Sechrist, Cardno Entrix: [kim.sechrist@cardno.com](mailto:kim.sechrist@cardno.com)  
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# FEDERAL AGENCIES

## FA6 – U.S. Department of the Interior – Fish and Wildlife Service

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### United States Department of the Interior

#### FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241



April 19, 2016

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Comments on the Rover Pipeline Project, in Hancock, Doddridge, Marshall, and Tyler Counties, West Virginia (Docket Nos. CP15-93-000, CP15-94-000, and CP15-96-000)

Dear Ms. Bose:

This is in response to Rover Pipeline LLC's (Rover) request for comments on the Myotis Bat Conservation Plan (MBCP) dated January 21, 2016. Rover developed a MBCP to address impacts to approximately 769.84 forested acres resulting from the proposed Rover Pipeline project in Hancock, Doddridge, Marshall, and Tyler Counties, West Virginia. These comments are specific to the MBCP developed for the West Virginia portion of the project. These comments are provided pursuant to the Endangered Species Act (ESA)(87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The U.S. Fish and Wildlife Service's (Service) West Virginia Field Office (WVFO) previously informed Rover that their proposed alignment passes through potential summer habitat for the Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*)(NLEB) in Tyler, Doddridge, Hancock and Marshall Counties. In addition, it passes through an Indiana bat **summer known-use area** in Tyler County. In previous correspondence, the Service recommended that Rover develop a MBCP for the segments of the proposed alignment that fall within known-use areas (Tyler County), and either conduct surveys or assume species presence for the segments outside the known-use areas. Rover chose to assume presence of federally listed bats and complete a MBCP instead of conducting presence/absence surveys. Rover submitted their MBCP on January 21, 2016.

In our December 9, 2014, letter to the Federal Energy Regulatory Commission (FERC), the Service notified Rover that the NLEB was proposed for listing under the ESA. On April 2, 2015, a final decision was made to list the species as threatened with an interim 4(d) rule. The Service

FA6-1

In section 4.7.2 of the EIS, we are recommending that Rover not begin construction until all surveys are complete, it has developed appropriate conservation plans and mitigation for approval by the FWS, and the FERC has completed any necessary ESA Section 7 consultation.

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# FEDERAL AGENCIES

## FA6 – U.S. Department of the Interior – Fish and Wildlife Service (cont'd)

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Ms. Kimberly D. Bose, Secretary  
April 19, 2016

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finalized the ruling under authority of section 4(d) of the ESA which provides measures that are necessary and advisable to provide for the conservation of the NLEB. This rule went into effect on February 16, 2016.

The NLEB occurs within the range of the proposed project, and may be affected by the proposed construction and operation of this project. Any take of NLEB occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula. No conservation measures are required as part of the 4(d) rule unless the proposed project (1) involves tree removal within 0.25 miles of known NLEB hibernacula; or (2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around a known, occupied maternity roost trees during the pup season (June 1 to July 31).

A segment of this project is located within a 150-foot radius of a known maternity roost tree in Doddridge County. Therefore, the Service recommends that Rover coordinate with the WVFO to determine appropriate conservation measures, such as modifying the project to avoid this area.

FA6-2

Before reviewing Rover's January 2016 MBGP, the WVFO was not aware of the extent of forested impacts (769.84 acres), which will include the removal of 2,023 Indiana bat and NLEB potential roost trees, in West Virginia. The current MBGP and proposed conservation measures (e.g. erecting artificial roosting structures and girdling trees) do not sufficiently address impacts to Indiana bat summer foraging and roosting habitat within the project area. Although seasonal clearing may often be recommended on projects as one of the measures necessary to preclude adverse effects and take of listed bats, seasonal clearing alone is not always sufficient to fully avoid impacts. For example, clearing of a known maternity roost tree during the winter may still result in adverse effects to the colony upon returning the following spring and finding the roost tree and surrounding foraging habitat gone. Although loss of a roost is a natural phenomenon that bats must deal with regularly, the loss of multiple roosts due to forest clearing stresses individual bats, as well as the social structure of the colony. Kurta (2005)<sup>1</sup> suggested that reduced reproductive success may be related to stress, poor microclimate in new roosts, a reduced ability to thermoregulate through clustering, or reduced ability to communicate and thus locate quality foraging areas. He further suggested that the magnitude of these impacts would vary greatly depending on the scale of roost loss (i.e., how many roosts are lost and how much alternative habitat is left for the bats in the immediate vicinity of the traditional roost sites). Recovery from the stress of hibernation and migration may be slower as a result of the added energy demands of searching for new roosting/foraging habitat especially in an already fragmented landscape where forested habitat is limited. Pregnant females displaced from preferred roosting/foraging areas will have to expend additional energy to search for alternative habitat, which could result in reduced reproductive success for some females. Females that do give birth may have pups with lower birth weights given the increased energy demands associated with longer flights. Their

<sup>1</sup> Kurta, A. 2005. Roosting ecology and behavior of Indiana bats (*Myotis sodalis*) in summer. Pp. 29-42 in K.C. Vories and A. Harrington (eds.), Proceedings of the Indiana bat and coal mining: a technical interactive forum. Office of Surface Mining, U.S. Department of the Interior, Alton, IL. Available at <http://www.mscs.csmre.gov/pdf/fgymis/bat%20Indiana/TOC.pdf>.

FA6-2

See response to comment FA6-1 regarding our recommendation that Rover not begin construction until all surveys, conservation plans, and any Section 7 consultations are complete.



# FEDERAL AGENCIES

## FA6 – U.S. Department of the Interior – Fish and Wildlife Service (cont'd)

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Ms. Kimberly D. Bose, Secretary  
April 19, 2016

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pups may experience delayed development. These longer flights would also be experienced by pups once they become volant which could affect the survival of these pups as they enter hibernation with potentially reduced fat reserves. Overall, the effect of the loss of roosting/foraging habitat on individual bats from the maternity colonies may range from no effect to death of juveniles. The effect on the colonies may result in a reduced rate of reproduction for that year.

Based on our review of the MBCP, the Service has determined that the extent of disturbance for this project may adversely affect the Indiana bat. The Service strongly recommends that Rover conduct surveys for all areas of the project that fall outside of the known-use buffers to determine if federally listed bats are present. The benefit to conducting surveys is that if no Indiana bats are detected and/or captured, then tree removal can occur at any time of year and no additional conservation measures will be required. In that case, formal consultation could be avoided. Please note that if Rover does not choose to do additional surveys and proceeds to formal consultation, surveys and additional conservation measures will be required for monitoring purposes. Rover and FERC would also need to prepare and submit a Biological Assessment (BA) to the Service before formal consultation could be initiated. Rover and FERC should contact our office to discuss the appropriate content of a BA prior to developing that document.

FA6-3  
To avoid insufficient or inadequate surveys, a survey plan for the proposed site should be submitted to the West Virginia Field Office for concurrence prior to conducting the survey. Acoustic surveys may be conducted between May 15 and August 15, and mist-net surveys may be conducted between June 1 and August 15. The surveys should be conducted by someone who has experience in identifying Indiana bats and who holds a current, valid collection permit from the West Virginia Division of Natural Resources (WVDNR). The WVDNR may be contacted at the Elkins Operation Center, P.O. Box 67, Ward Road, Elkins, West Virginia, 26241; phone (304) 637-0245. A List of Surveyors Qualified to Conduct Indiana Bat Surveys in West Virginia is also enclosed.

The survey results should be provided to the Service's West Virginia Field Office for review and concurrence. If no federally listed bats are detected and we agree with the survey findings, tree removal can proceed at any time of year. If federally listed bats are detected, the West Virginia Field Office and the WVDNR should be notified the next business day<sup>2</sup>. We will then work with the project proponent to minimize adverse effects to Indiana bats. The Guidance on Developing and Implementing an Indiana Bat Conservation Plan may be used to help develop measures to minimize impacts when Indiana bats are captured.

Surveys are considered current for five years consisting of the summer they are done and the following four summer seasons. Surveys should be repeated for any tree removal occurring after this 5-year period.

<sup>2</sup> Surveys should not stop if a listed bat is captured or detected.

FA6-3

We will continue to coordinate with the FWS and the West Virginia Field Office (WVFO) regarding ESA Section 7 consultation.

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## FA6 – U.S. Department of the Interior – Fish and Wildlife Service (cont'd)

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Ms. Kimberly D. Bose, Secretary  
April 19, 2016

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cont'd

### Conclusion

The WVFO has evaluated the proposed project and determined that the combined effects of the project, even with the MBCP, could result in adverse effects to federally listed bats and their habitat. The Service recommends that Rover conduct additional site-specific surveys in order to further avoid and minimize potential adverse effects and provide the information detailed above to the WVFO for review and approval prior to the start of construction. We cannot prepare a response until we have received Rover's bat survey results or concluded formal consultation. If you have any questions regarding these comments, please contact Tiernan Lennon of my staff at 304-636-6586 ext. 12 or via email [tiernan\\_lennon@fws.gov](mailto:tiernan_lennon@fws.gov).

Sincerely,



John E. Schmidt  
Field Supervisor

T-44

FEDERAL AGENCIES

FA6 – U.S. Department of the Interior – Fish and Wildlife Service (cont’d)

20160419-5211 FERC PDF (Unofficial) 4/19/2016 4:33:50 PM

Ms. Kimberly D. Bose, Secretary  
April 19, 2016

5

FA6-3  
cont'd

cc:  
Rover – Buffy Thomason  
Region 3 – Beth Rigby  
Project File  
Reader File  
ES:WVFO:TLennon:skd:4/19/2016  
Filename: P:\Finalized Correspondence\FERC\Rover Pipeline Project\ROVER MBCP  
Comments.docx

T-45

Appendix T

# STATE AGENCIES

## SA1 – Indiana Department of Natural Resources

Appendix T

T-46

20160404-0045 FERC PDF (Unofficial) 04/04/2016



ORIGINAL

Michael R. Pence, Governor  
Cameron F. Clark, Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • [dhpa@dnr.in.gov](mailto:dhpa@dnr.in.gov)



March 29, 2016

2016 APR -4 P 4:29

FEDERAL ENERGY  
REGULATORY COMMISSION

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Federal Agency: Federal Energy Regulatory Commission ("FERC")

Re: Project information concerning the Panhandle Eastern Pipe Line backhaul project (Docket No. CP15-93-000, CP15-94-000, CP15-96-000; JN:14032; DHPA #17075)

Dear Ms. Bose:

SA1-1

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated December 17, 2014 and received on December 18, 2014, for the above indicated project in Allen, Hamilton, Marion, Parke, and Vermillion Counties, Indiana.

Thank you for the draft environmental assessment.

As previously stated based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

At this time, it would be appropriate for the FERC to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the FERC believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4(d)[1] and 800.2(d)[2]).
- 2) If, on the other hand, the FERC finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the FERC may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

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SA1-1

Section 4.10.2 of the EIS has been updated with the conclusion of "no historic properties affected" for Indiana.

STATE AGENCIES

SA1 – Indiana Department of Natural Resources (cont'd)

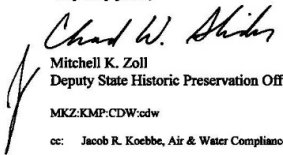
20160404-0045 FERC PDF (Unofficial) 04/04/2016

Bose  
March 29, 2016  
Page 2

SA1-1  
cont'd

If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Kim Marie Padgett at (317) 234-6705 or kpadgett@dnr.IN.gov. In all future correspondence regarding the above indicated project, please refer to DHPA #17075.

Very truly yours,



Mitchell K. Zoll  
Deputy State Historic Preservation Officer

MKZ:KMP:CDW:cdw

cc: Jacob R. Koebbe, Air & Water Compliance Group, LLC

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Appendix T

State Agencies Comments


# STATE AGENCIES

## SA2 – Michigan State Historic Preservation Office

Appendix T

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20160404-0041 FERC PDF (Unofficial) 04/04/2016



STATE OF MICHIGAN  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY  
STATE HISTORIC PRESERVATION OFFICE

RICK SNYDER  
GOVERNOR

KEVIN ELSSENHEIMER  
EXECUTIVE DIRECTOR

March 18, 2016

KIMBERLY BOSE  
FEDERAL ENERGY REGULATORY COMMISSION  
888 FIRST STREET NE ROOM 1A  
WASHINGTON DC 20426

**ORIGINAL**

RE: ER03-1065.WESTLINE Panhandle Eastern Pipeline - Marshall Line 100 Project, Sec. 2, T2S, R6W,  
Marshall Township, Calhoun County (FERC)

Dear Ms. Bose:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that no historic properties are affected within the area of potential effects of this undertaking.

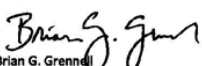
This letter evidences FERC's compliance with 36 CFR § 800.4 "Identification of historic properties," and the fulfillment of FERC's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected." If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

We remind you that federal agency officials or their delegated authorities are required to involve the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties per 36 CFR § 800.2(d). The National Historic Preservation Act also requires that federal agencies consult with any Indian tribe and/or Tribal Historic Preservation Officer (THPO) that attach religious and cultural significance to historic properties that may be affected by the agency's undertakings per 36 CFR § 800.2(c)(2)(ii).

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking.

If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at 517-335-2721 or by email at GrennellB@michigan.gov. Please reference our project number in all communication with this office regarding this undertaking. Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

  
Brian G. Grennell  
Cultural Resource Management Specialist


for Brian D. Conway  
State Historic Preservation Officer

SAT:BGG

Copy: Jacob Koebe, AWCG

FILED  
SECRETARY OF THE  
COMMISSION  
2016 APR -4 P 4:19  
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REGULATORY COMMISSION

**ND**



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State Historic Preservation Office  
Michigan Library and Historical Center • 702 West Kalamazoo Street • PO BOX 30740 • Lansing, Michigan 48909-8240  
www.michigan.gov/shpo • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568

SA2-1

The commentor's concurrence that no historic properties are affected is noted.

STATE AGENCIES  
SA3 – Ohio Department of Agriculture

20160407-5181 FERC PDF (Unofficial) 4/7/2016 3:24:45 PM



Governor John R. Kasich • Lt. Governor Mary Taylor  
Director David T. Daniels

Division of Soil and Water Conservation  
8995 East Main Street, Reynoldsburg, OH 43068  
Phone: 614-265-6610 • Fax: 614-466-6124  
www.agri.ohio.gov • dswc@agri.ohio.gov

April 4, 2016

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

This comment was  
submitted twice  
(20160407-5181 and  
20160415-0020)

Reference: OEP/DG2E/Gas 4  
Companies: Rover Pipeline, LLC; Rover Pipeline Project; Panhandle Eastern  
Pipe Line Company, LP; Panhandle Backhaul Project; Trunkline  
Gas Company, LLC; Trunkline Backhaul Project  
Docket Nos.: CP15-93-000; CP15-94-000; CP15-96-000

Dear Ms. Bose:

The Ohio Department of Agriculture – Division of Soil and Water Conservation (ODA) has reviewed the draft environmental impact statement (EIS) prepared by FERC for the pipeline projects in the above-referenced dockets.

SA3-1 ODA submits to FERC the following comments in regards to section 4.8.4.1 General Agricultural Impacts:

- The Agricultural Impact Mitigation Plan – Ohio (Appendix G-3) refers to “attached Rover Pipeline Typical Drain Tile Header System drawings” referred to under Section 3, Item E. These drawings could not be located in the Draft EIS for review.

SA3-2 Under the authority of Ohio Revised Code 939.02, the Ohio Department of Agriculture (formerly under the Ohio Department of Natural Resources) has maintained a Pipeline Standard applicable to pipeline and other improvement projects that affect soil and water resources, including surface and subsurface drainage. This Pipeline Standard recommends measures to retard erosion and protect soil and water resources. It was developed in 1998 and has been revised on numerous occasions. It has been effectively utilized in previous interstate pipeline work in Ohio. **ODA recommends that the Ohio Pipeline Standard and Construction Specifications be attached as a condition to any authorization issued by the FERC. The Ohio standard can be found at:**  
<http://www.agri.ohio.gov/divs/SWC/docs/PIPELINE%20STANDARD.pdf>.



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SA3-1 On June 23, 2016, Rover filed the attachments that were omitted from its AIMP. Appendix G has been updated to include the drain tile figure attachments.

SA3-2 Section 4.8.4.1 has been updated to include a recommendation that Rover consult with the Ohio Department of Agriculture (OHDA) regarding the Ohio AIMP and revise or add any additional mitigation measures that may be appropriate.

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Appendix T



# STATE AGENCIES

## SA3 – Ohio Department of Agriculture (cont'd)

Appendix T

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Honorable Kimberly D. Bose, Secretary  
April 4, 2016  
Page 2

SA3-2  
cont'd

Thank you for the opportunity to provide these comments. If you have questions or if we may be of further assistance in this matter, please contact Justin Reinhart at 614-265-6691 or Justin.Reinhart@agri.ohio.gov.

Sincerely,



David T. Daniels  
Director

Cc: Timothy G. Schirmer, Senior Staff Counsel  
Kirk Hines, ODA-DSWC Chief  
Justin Reinhart, ODA-DSWC Conservation Engineer

T-50

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection

20160407-5200 FERC PDF (Unofficial) 4/7/2016 4:12:02 PM



west virginia department of environmental protection

Division of Water and Waste Management  
601 57th Street SE  
Charleston, WV 25304  
Telephone Number: (304) 926-0495  
Fax Number: (304) 926-0496

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.dep.wv.gov

April 7, 2016

Kevin Bowman  
Project Manager  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

RE: Comments on Draft Environmental Impact Statement for the Planned Rover Pipeline by  
Rover Pipeline, LLC, Docket No. CP-15-93-000

Mr. Bowman,

The West Virginia Department of Environmental Protection (WVDEP) has completed review of the Draft Environmental Impact Statement (Draft EIS) for the proposed Rover Pipeline Project (Project) by Rover Pipeline, LLC (Rover) and requests the Federal Energy Regulatory Commission (FERC) consider recommendations and concerns below.

### EXECUTIVE SUMMARY

#### Project Impacts and Mitigation

#### Groundwater, Waterbody Crossings, Water Use, and Wetlands

#### Page ES-4

On page ES-4 of the Draft EIS it is stated:

“Rover’s proposed pipeline right-of-way would cross 852 waterbodies and 138 drainage features. Rover is proposing to use the HDD method to cross 43 proposed waterbody crossings and 4 drainages. Rover is also proposing to use the open-cut method to cross the remaining 943 waterbodies and drainage features. However, in order to minimize impacts on sensitive waterbodies, we are recommending that Rover cross all sensitive waterbodies and/or coldwater fisheries using a dry-ditch crossing method.”

SA4-1

Given workspace requirements, geotechnical conditions, constraints, and overall construction feasibility, we conclude that it is not feasible or practicable to use the HDD method at every coldwater fishery or sensitive waterbody crossing. Proposed site-specific waterbody crossing methods and information are provided in appendix L of the EIS.

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

Appendix T

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SA4-1 cont'd	<p>WVDEP recommends that Rover cross all sensitive waterbodies and/or coldwater fisheries using horizontal directional drill method in order to result in minimal impact to the system.</p>
SA4-2	<p><b>EXECUTIVE SUMMARY</b>  <b>Project Impacts and Mitigation</b>  <b>Groundwater, Waterbody Crossings, Water Use, and Wetlands</b>  <b>Page ES-4</b></p> <p>On page ES-4 of the Draft EIS it is stated:</p> <p>“Access roads associated with Rover’s Project would cross seven waterbodies and two drainage features. Therefore, we are recommending that Rover file site-specific plans for access road crossings of waterbodies.”</p> <p>WVDEP recommends all culverts installed for access road crossings associated with the Project be properly-sized and counter-sunk. If bridges are to be used for access road crossings associated with the Project, WVDEP recommends either the bridge be placed above the floodplain of the channel crossed or the floodplain be accommodated in design of the structure.</p>
SA4-3	<p><b>1.2 PURPOSE AND SCOPE OF EIS</b>  <b>1.2.6 West Virginia Department of Environmental Protection</b>  <b>Page 1-5</b></p> <p>Page 1-5 states:</p> <p>“The WVDEP has authority (through delegation from the EPA) for Section 401 Water Quality Certification. Additionally, the WVDEP reviews and approves all applications for NPDES permits. Therefore, the WVDEP has elected to be a cooperating agency.”</p> <p>The WVDEP requests this section appears as follows:</p> <p>The WVDEP is a state agency responsible for implementing and enforcing West Virginia’s environmental regulations with respect to managing the state’s air, land, and water resources. The Division of Water and Waste Management’s (DWWM) mission is to preserve, protect, and enhance the state’s watersheds for the benefit and safety of all its citizens through implementation of programs controlling hazardous waste, solid waste and surface &amp; groundwater pollution, from any source. The DWWM may grant, grant with conditions, waive, or deny a Water Quality Certificate application under Section 401 of the CWA and operates in accordance with §47CSR5A. Section 401 Water Quality Certification is required for each permit or license issued by a federal agency to ensure that projects will not violate the state’s water quality standards or stream designated uses.</p>
2	

SA4-2	Sections 4.3.2.1 and 4.3.2.6 have been updated with additional information regarding access road crossings of waterbodies. Rover has stated that it would use equipment pad bridges or bridges with flumes. All flumes would be sized for maximum flow.
SA4-3	Section 1.2 has been updated with additional information about the West Virginia Department of Environmental Protection (WVDEP).

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

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SA4-3  
cont'd

In addition to serving as a regulatory role for the proposed project, the WVDEP has requested to be a cooperating agency in order to lend their experiences and insight with environmental impacts relative to this type of activity and provide recommendations on assessment, minimization, and mitigation of potential environmental impacts.

### 1.5 PERMITS, APPROVALS, CONSULTATIONS, AND REGULATORY REVIEW

Table 1.5-1

Page 1-14

Below is a portion of Table 1.5-1 as it appears on Page 1-14 of the Draft EIS.

SA4-4

TABLE 1.5-1 (continued)					
Major Permits, Approvals, and Consultations Applicable to the Proposed Projects <sup>a</sup>					
Agency	Permit/ Approval/ Consultation	Agency Action	Review Project Status	Panhandle Backhaul Project Status	Trunkline Backhaul Project Status
<b>State of West Virginia</b>					
WVDEP Division of Water and Waste Management	Water Quality Certification (WQC), Section 401	Review and issuance of WQC.	Application under review (filed February 2015).	Not Applicable.	Not Applicable.
	NPDES Construction Stormwater General Permit	Issue NPDES Construction Stormwater General Permit.	Application estimated to be submitted first quarter of 2016.	Not Applicable.	Not Applicable.
	Hydrostatic Test Water Discharge Permit	Issue hydrostatic testing general permit.	Application to be submitted in the second quarter of 2016.	Not Applicable.	Not Applicable.
WVDEP Division of Air Quality	Air Permit	Issue permit for construction and operation of source air pollutant emissions.	Application under review (submitted in February 2015).	Not Applicable.	Not Applicable.

An application for Water Quality Certification (WQC) associated with the Project is not under review by the WVDEP Division of Water and Waste Management. To date, a WQC application has not been submitted. Applications for Air Permits associated with the Project are not under review by the WVDEP Division of Air Quality. These permits been issued.

SA4-4

Table 1.5-1 has been updated with the most recent statuses of required permits, approvals, and consultations.

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

Appendix T

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### 2.0 PROJECT DESCRIPTION

#### 2.2 Land Requirements

##### 2.3.1 General Pipeline Construction Procedures

##### Cleanup and Restoration

##### Page 2-26

SA4-5 On page 2-26 of the Draft EIS it is stated:

“Where single pipe is installed, Rover would backfill the trench within 20 days of finish-grading of all work areas and would restore work areas to pre-construction contours and natural drainage patterns as closely as possible, weather permitting.”

The WVDEP recommends natural stream channel design practices be employed for any and all stream restoration associated with the Project in order to ensure channels that are appropriate for the hydrogeomorphic settings are restored. It is the concern of the WVDEP that restored channels associated with the Project will be constructed as rip-rap lined trapezoidal ditches that potentially contribute to instability of the stream reach due to reduced capacity of sediment transport and provide poor habitat for aquatic life.

### 2.0 PROJECT DESCRIPTION

#### 2.2 Land Requirements

##### 2.3.2 Special Construction Techniques

##### 2.3.2.1 Wetland Crossings

##### Page 2-27

SA4-6 On page 2-27 of the Draft EIS it is stated:

“In unsaturated wetlands and unfrozen wetlands, the top 12 inches of topsoil from the trenchline would be stripped and stored separately from the subsoil.”

For any wetland restoration associated with the Project, the WVDEP recommends the depth of the topsoil to be segregated be based on a case by case basis for each wetland area impacted by the Project. Specifically, the depth of the topsoil to be segregated be based on the maximum depth of 18 inches or depth of the hydric soils presented in the soil profile.

SA4-5

Rover would adhere to its Procedures for restoration of streams post-construction, which recommends against use of riprap. However, application of riprap for bank stabilization could be required to comply with the COE, or its delegated agency, permit terms, and conditions. As discussed in the EIS, FERC monitors would conduct routine construction and restoration inspections to ensure that applicants adhere to BMPs and appropriately restore stream banks to pre-construction contours.

SA4-6

Rover's Procedures require segregation of the top 12 inches of topsoil in unsaturated wetlands and unfrozen wetlands; this is consistent with the requirements in the FERC's Procedures.

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

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**2.0 PROJECT DESCRIPTION**  
**2.2 Land Requirements**  
**2.3.2 Special Construction Techniques**  
**2.3.2.2 Waterbody Crossings**  
**Page 2-28**

SA4-7

On page 2-28 of the Draft EIS it is stated:

“Rover would install temporary equipment bridges over waterbodies. Bridges may include clean rock fill over culverts, equipment pads supported by flumes, railcar flatbeds, flexi-float apparatus, and other types of spans. These bridges would remain in place throughout construction until they are no longer needed.”

The WVDEP requests a list of the temporary equipment bridges and an approximate time frame of installation/removal.

**2.0 PROJECT DESCRIPTION**  
**2.2 Land Requirements**  
**2.3.2 Special Construction Techniques**  
**2.3.2.2 Waterbody Crossings**  
**Trench Crossing Construction Methods**  
**Page 2-29**

SA4-8

On page 2-29 of the Draft EIS it is stated:

“Open-cut crossings of waterbodies involve conventional trenching, with no attempt made to alter the flow of water during construction activities. This construction technique is similar to the standard pipeline installation process described above for uplands. However, Rover identified it would complete construction and backfill within 24 hours for minor waterbodies (less than 10 feet wide) and within 48 hours for intermediate waterbodies (10 to 100 feet wide).”

The WVDEP recommends dry-ditch construction where possible and practicable for all waterbody crossings in order to prevent downstream sedimentation.

SA4-7

Rover would implement its Procedures, which require that equipment bridges be installed at *all* waterbodies and that Rover “design and maintain each equipment bridge to withstand and pass the highest flow expected to occur while the bridge is in place.” A list of waterbodies that would be crossed by the Project are provided in appendix L of the EIS. Equipment bridges would be constructed at the beginning of construction and maintained throughout the construction phase, only being removed as the Project enters the restoration phase.

SA4-8

As stated in section 4.3.2.5, we are recommending dry-ditch crossings for all coldwater fisheries and sensitive waterbodies. All remaining waterbodies would be crossed using the open-cut method or an HDD. As discussed in section 4.3.2.6, impacts from sedimentation and water turbidity would be expected within the immediate vicinity of open-cut waterbody crossings. These impacts would return to baseline levels over a period of days or weeks following construction.

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

Appendix T

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### 4.0 ENVIRONMENTAL ANALYSIS

#### 4.1 GEOLOGY

##### 4.1.2 Mineral Resources

##### 4.1.2.1 Mining

##### Page 4-11

On page 4-11 of the Draft EIS it is stated:

“There are 121 known mining operations within 0.25 mile of the Rover Project, consisting mainly of coal, sand, gravel, and limestone mines (see table 4.1.2-1). Of these mines, 51 active mining operations and 54 inactive would be crossed by the Project rights-of-way. In addition to mapped mines, unmapped abandoned mines could be present along the Rover Project route. Section 4.1.3.6 provides additional information on unmapped historic mines and the potential hazards associated with them.”

The WVDEP has GIS coverages available for Abandoned and Surface Mining Control and Reclamation Act permitted operations. The West Virginia Geologic and Economic Survey has information on minable coal seams in the state. WVDEP resources are available for review by Rover in order to avoid potential problems.

### 4.0 ENVIRONMENTAL ANALYSIS

#### 4.1 GEOLOGY

##### 4.1.3 Geologic Hazards

##### 4.1.3.6 Ground Subsidence

##### Karst Topography

##### Page 4-27

On page 4-27 of the Draft EIS it is stated:

“Karst features such as sinkholes, caves, and caverns can form as a result of the long-term action of groundwater on soluble carbonate rocks (e.g., limestone and dolostone), and collapse at ground level triggered by rainfall events. The risk of the development of sinkholes along the Rover pipeline routes is relatively low, based on a geologic literature review including USGS digital maps of karst topography (OHDGS, 1999; USGS, 2014a; Weary and Doctor, 2014). According to Weary and Doctor (2014), the Rover Project would cross 89.4 miles of areas that potentially have karst terrain, most of which are located completely in northwest Ohio.”

The WVDEP geologists through professional and private interests have developed extensive mapping of karst features and have access to numerous dye studies and cave mapping resources. WVDEP resources are available for review by Rover in order to avoid potential problems.

SA4-9

The commentor’s statement regarding available GIS data for mines is noted. Rover cited the West Virginia Geological Survey (WVGS) as its source for the information provided in its application.

SA4-10

The commentor’s statement regarding available data for karst features in West Virginia is noted. Based on publically available information, the portions of West Virginia that would be crossed by the Rover Project are not identified as containing Karst terrain.



# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

20160407-5200 FERC PDF (Unofficial) 4/7/2016 4:12:02 PM

### 4.0 ENVIRONMENTAL ANALYSIS 4.3 WATER RESOURCES 4.3.2 Surface Water Resources 4.3.2.6 General Impacts and Mitigation Page 4-84

SA4-11 The Draft EIS does not clearly state proposed impacts. In addition, with the exception of several references on Pages 2-26 and 4-31 to “[R]estore work areas to pre-construction contours and natural drainage patterns as closely as possible...” and methods of compensatory mitigation available in each state on Page 4-98, the report does not clearly state proposed mitigation measures.

The WVDEP requests proposed stream impact totals be provided and presented as flow type (perennial, intermittent, and/or ephemeral in feet and acres) as well as indicating if proposed impacts are considered temporary or permanent. The WVDEP also requests proposed compensatory mitigation measures be provided for associated temporary and permanent impacts.

### 4.0 ENVIRONMENTAL ANALYSIS 4.3 WATER RESOURCES 4.3.2 Surface Water Resources 4.3.2.6 Waterbody Crossings Access Roads Page 4-87

SA4-12 On page 4-87 of the Draft EIS it is stated:

“Some of the temporary and permanent access roads required for construction of the Rover Project would be newly constructed or require improvements to the existing road, such as widening, the addition of gravel to accommodate the movement of equipment and materials, replacement/installation of culverts, and removal of overhanging vegetation.”

Installation of any permanent culverts associated with the Project would be considered as permanent impacts by the WVDEP.

SA4-11 Appendix L of the EIS provides the waterbody type (ephemeral, intermittent, perennial) for each waterbody crossed by the Project as well as the width of the crossing. As discussed in section 4.3.3, the Project would result in no long-term or permanent impacts on surface waters. Any compensatory mitigation requirement would be part of Rover’s CWA Section 401 and Section 404 permits.

SA4-12 Sections 4.3.2.1 and 4.3.2.6 have been updated with additional information regarding access road crossings of waterbodies. No permanent culverts would be installed.

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

Appendix T

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20160407-5200 FERC PDF (Unofficial) 4/7/2016 4:12:02 PM

**4.0 ENVIRONMENTAL ANALYSIS**  
**4.4 WETLANDS**  
**4.4.2 Wetland Construction Procedures**  
**Page 4-92**

SA4-13 On page 4-92 of the Draft EIS it is stated:

“In order to prevent excessive rutting in wetlands, Rover would use low ground pressure equipment or would install temporary board or timber mats.”

Regardless of whether or not Rover uses any type of temporary structures to stabilize the ground to allow for movement of equipment through the wetland, there is the potential for soil compaction due to the weight of the equipment, repeated passing of equipment, etc., which could potentially alter the hydrology of the wetland due to the creation of an impermeable soil layer. The WVDEP requests clarification if Rover has any plans to perform soil density analysis of wetland areas prior to and following construction of the pipeline.

**4.0 ENVIRONMENTAL ANALYSIS**  
**4.4 WETLANDS**  
**4.4.2 Wetland Construction Procedures**  
**Page 4-95**

SA4-14 On page 4-95 of the Draft EIS it is stated:

“The primary impacts of construction on wetland vegetation would be the temporary and permanent alteration of forested wetland vegetation.”

It is the belief of the WVDEP that conversion from one cover type to another would result in changes to function and values. As a result, the WVDEP recommends Rover mitigate for the alteration of function and values of wetlands associated with the Project. WVDEP would require mitigation at a ratio of 2:1 of mitigation to impacts for this loss of aquatic resource as per §47CSR5A.

SA4-13

As discussed in section 4.4, Rover would follow its Procedures for construction, mitigation, and restoration through wetlands. While Rover has stated that it would perform compaction tests before and after construction within residential and agricultural areas, Rover has not indicated that it would perform these tests in wetlands. However, adherence to the measures in its Procedures both during construction and post-construction would minimize long-term impacts due to compaction in wetlands.

SA4-14

Compensatory mitigation for wetlands is discussed in section 4.4.6 of the document. Review and approval of compensatory mitigation would be a part of Rover's CWA Section 404 permit.

STATE AGENCIES

SA4 – West Virginia Department of Environmental Protection (cont’d)

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Appendix T

20160407-5200 FERC PDF (Unofficial) 4/7/2016 4:12:02 PM	
<div><div>4.0 ENVIRONMENTAL ANALYSIS</div><div>4.4 WETLANDS</div><div>4.4.3 General Impacts and Mitigation</div><div>Page 4-96</div></div>	
SA4-15	<div>On page 4-96 of the Draft EIS it is stated:</div> <div><div>"In accordance with the Rover Procedures, Rover would conduct routine wetland monitoring for a minimum of 3 years and submit quarterly reports to the FERC on the status of wetland restoration and vegetation growth. Based upon the status of success of restoration, additional restoration activity, monitoring, or mitigation could be required to be carried out until wetland restoration is deemed satisfactory."</div><div>The WVDEP recommends monitoring periods should correspond to those presented in proposed compensatory mitigation plan for the Project that will be authorized by the United States Army Corps of Engineers.</div></div>
<div><div>4.0 ENVIRONMENTAL ANALYSIS</div><div>4.11 AIR QUALITY AND NOISE</div><div>4.11.1.2 Air Quality Regulatory Requirements</div><div>Air Permitting</div><div>Page 4-216</div></div>	
SA4-16	<div>On page 4-216 of the Draft EIS it is stated:</div> <div><div>"Based on the operating emissions presented in tables 4.11.1-2 through 4.11.1-11, an NSR permit would not be required for any of Rover's new compressor stations. Further, no NSR permits would be required for the Panhandle or Trunkline Projects, as the revisions to the existing compressor stations would not cause any increase in operational emissions, except for small increases in fugitive GHGs and VOCs."</div><div>This is true with respect to PSD and Nonattainment permits. However, for West Virginia NSR also covers minor source pre-construction permit, which has been completed for the West Virginia facilities. The WVDEP recommends this project language be changed to ensure readers are not misled to believe no pre-construction permits at all are required.</div></div>
9	

SA4-15	As stated in section 4.4.3, Rover would be required to conduct monitoring for a minimum of 3 years. Additionally, Rover would be required to meet the requirements of its CWA Section 404 permit, including any additional monitoring as requested by the COE.
SA4-16	Table 4.11.1-5 is based on the most recent publicly available information, and represents estimates of the scope of emissions. Rover would be required to comply with its permitted emission levels.

# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

Appendix T

20160407-5200 FERC PDF (Unofficial) 4/7/2016 4:12:02 PM

### 4.0 ENVIRONMENTAL ANALYSIS 4.11 AIR QUALITY AND NOISE 4.11.1.2 Air Quality Regulatory Requirements Air Permitting Page 4-218

Below is Table 4.11.1-5 as it appears on Page 4-218 of the Draft EIS.

TABLE 4.11.1-5 Potential Emissions from the Majorsville Compressor Station (tpy)								
Emissions Source (number)	NO <sub>x</sub>	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	Single HAP/ Total HAPs	CO <sub>2e</sub>
Compressor Engines (2)	34.3	31.2	37.7	0.1	2.3	2.3	8.9/11.2	27,410.6
Emergency Generators (1)	1.5	<0.1	0.2	0.1	<0.1	<0.1	<0.1/<0.1	127.8
Site Fugitives (all)	--	1.4	--	--	--	--	<0.1/<0.1	205.1
Tank Fugitives (7)	--	<0.1	--	--	--	--	--/--	--
Truck Loading Fugitives(2)	--	<0.1	--	--	--	--	--/--	--
CIG Flameless Gas Infrared Heater (all)	0.2	<0.1	0.2	<0.1	<0.1	<0.1	<0.1/<0.1	263.6
Compressor Blowdown Fugitives (all)	--	0.1	--	--	--	--	<0.1/<0.1	66.1
Engine Starter Vents (all)	--	0.2	--	--	--	--	<0.1	86.7
Pigging Operation Fugitives	--	0.1	--	--	--	--	<0.1/<0.1	77.1
Unpaved Road Fugitives	--	--	--	--	0.2	<0.1	--/--	--
Station Venting and Blowdown	--	--	--	--	--	--	--/--	229.9
<b>Total</b>	<b>36</b>	<b>33</b>	<b>37.9</b>	<b>0.2</b>	<b>2.5</b>	<b>2.3</b>	<b>8.9/11.2</b>	<b>28,467.0</b>

The WVDEP recommends ensuring potential emissions listed in this table are the same as those in the final permit and not the initial potential emissions provided in the permit application.

SA4-17

Table 4.11.1-5 has been updated with the most recent potential emissions provided by Rover in its March 2016 supplemental filing.

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# STATE AGENCIES

## SA4 – West Virginia Department of Environmental Protection (cont'd)

20160407-5200 FERC PDF (Unofficial) 4/7/2016 4:12:02 PM

**4.0 ENVIRONMENTAL ANALYSIS**  
**4.11 AIR QUALITY AND NOISE**  
**4.11.1.2 Air Quality Regulatory Requirements**  
**General Conformity**  
**Page 4-222**

SA4-18

Table 4.11.1-12 (Summary of Construction and Operating emissions Subject to General Conformity Review) appears on Page 4-222 of the Draft EIS.

The WVDEP recommends that the calculations, methodologies, and assumptions be provided in this document to justify the General Conformity emission threshold determinations.

The WVDEP appreciates the opportunity to serve as a cooperating agency on this project. If you have any questions regarding these comments or concerns, please contact me at (304) 926-0499 ext. 1715 or [nancy.j.dickson@wv.gov](mailto:nancy.j.dickson@wv.gov).

Sincerely,



Nancy J. Dickson  
401 Certification Program

SA4-18

The EIS is a summary document intended to disclose the potential impacts of a proposed action. The document incorporates by reference all of the material filed in support of the permits and other regulatory clearances required to construct the facilities, should the Commission issue a Certificate of Public Convenience and Necessity (Certificate) for the Project. As such, the summary table presentation of General Conformity applicable emissions provided in the EIS is sufficient for the public and decision makers to assess the potential impacts of the Project. Commentors seeking the detailed supporting information may view the application and supplemental filings available publicly on the docket for this Project.

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Appendix T

STATE AGENCIES

SA5 – Ohio Department of Natural Resources

Appendix T

T-62



## Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

This comment came in with 30 shape files (.dbf, .prj, .sbn, .sbx, .shp. See FERC library [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20160419-5064](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20160419-5064)

Office of Real Estate  
Paul R. Baldridge, Chief  
2045 Morse Road – Bldg. E-2  
Columbus, OH 43229  
Phone: (614) 265-6649  
Fax: (614) 267-4764

April 19, 2016

Federal Energy Regulatory Commission  
Office of Energy Projects  
888 First Street, NE  
Washington D.C. 20426

Re: 16-217; Rover, Panhandle, and Trunkline DEIS

Project: The proposed project involves construction and operation of a new 24-, 30-, 36-, and 42-inch-diameter natural gas pipeline in 510.7 miles of right-of-way through Pennsylvania, West Virginia, Ohio, and Michigan.

Location: The proposed project is located in Henry, Defiance, Fulton, Wood, Hancock, Seneca, Crawford, Ashland, Wayne, Stark, Tuscarawas, Carroll, Harrison, Jefferson, Belmont, Noble, and Monroe Counties, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Natural Heritage Database: The Natural Heritage Database has the following data at or within a one mile radius of the project area:

The Natural Heritage Database has data within the project area, given in the attached shapefiles. The review was based on the project area specified in the request and performed using the shapefile provided to us. Records searched date from 1980. This data is provided to inform you of features present within the project area. Additional comments on some of the features may be found in pertinent sections below. Data layers included are for data, sensitive species, managed areas, scenic rivers, and conservation sites.

Records included in the data layer may be for rare plants and animals, geologic features, high quality plant communities, and other ecological features. Fields included are scientific and common names, state and federal statuses (when applicable), date of most recent observation, and whether the record is located within a managed area or conservation site. Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of

2045 Morse Rd • Columbus, OH 43229-6693 • [ohiodnr.com](http://ohiodnr.com)

SA5-1

SA5-1

Information regarding the data available through the Natural Heritage Database as well as the limitations of the data is noted.

State Agencies Comments

# STATE AGENCIES

## SA5 – Ohio Department of Natural Resources (cont'd)

SA5-1 cont'd	<p>concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, and FC = federal candidate species.</p> <p>There are a few species considered as sensitive for which we do not give out an exact location. They are not within the data layer but are included in the sensitive species data layer which shows a general location.</p> <p>The managed areas layer shows boundaries for state, federal, county, non-profit, private and sites under other types of ownership that are protected and managed for their natural resources. Please be aware that this layer may not be complete, and we are continually updating it as additional information becomes available to us.</p>	
SA5-2	<p>The layer for scenic rivers shows the designated portions of state and national scenic rivers. If your project is located within 1000 feet of a designated river, the approval of the ODNR Director may be required in accordance with Ohio Revised Code section 1547.82. Please contact Scenic River Program Manager Bob Gable at 614-265-6814 for further information.</p>	SA5-2  As stated in section 4.3.2.3, the Project would cross two Ohio Scenic Rivers; Sandusky River and Maumee River. Both rivers would be crossed by an HDD.
SA5-3	<p>The conservation sites layer shows areas deemed by the Natural Heritage Program to be high quality natural areas not currently under formal protection. They may, for example, harbor one or more rare species, be an outstanding example of a plant community, or have geologically significant features, etc. These sites may be in private ownership and out listing of them does not imply permission for access.</p> <p>Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.</p>	SA5-3  The commentor's statement regarding conservation site layers is noted.
SA5-4	<p><b>Fish and Wildlife:</b> The Division of Wildlife (DOW) has the following comments.</p> <p>The DOW understands that seasonal tree cutting between October 15 and March 31 will be implemented to avoid/minimize impacts to listed bat species. Therefore, impacts are not expected to state listed bats.</p>	SA5-4  The commentor's statement that impacts on state-listed bats are not expected given the clearing windows is noted.
SA5-5	<p>The DOW understands that an eastern massasauga habitat suitability survey was conducted by a USFWS approved herpetologist. Please coordinate the results/reports of these surveys with the DOW.</p>	SA5-5  Rover has filed with the FERC the results of all surveys conducted to date. These are available on the FERCs eLibrary.
SA5-6	<p>The DOW understands that the Rover pipeline will not cross any designated percid, or salmonid streams, and therefore any in-stream work in a perennial stream should take place between July 1 and April 14.</p>	SA5-6  As discussed in section 4.6.2.3 of the EIS, Rover would limit in-stream work within exceptional warmwater streams between July 1 and April 14.
SA5-7	<p>The DOW understands that there will be seven barns removed that may provide potential barn owl nesting habitat. Through review of the FERC Draft EIS, and conversations with TRC staff, it is understood that these seven barns will be assessed for barn owl presence, and those results coordinated with the DOW.</p>	SA5-7  As per our recommendation in section 4.7.3, Rover would be required to evaluate and assess each barn prior to its removal.
SA5-8	<p>The DOW recommends that the applicable breeding seasons for the upland sandpiper, the American bittern, the northern harrier, the sandhill crane, the trumpeter swan, and the lark sparrow be avoided if construction is proposed in their respective habitats (OHDNR, 2014).</p>	SA5-8  The Ohio Department of Natural Resources' (OHDNR's) recommendations that breeding seasons be avoided for state-listed species if construction is proposed in their respective habitats. Per our recommendation in section 4.7.3, Rover would continue to consult with state agencies regarding additional mitigation measures to minimize impacts on state-listed species.



STATE AGENCIES

SA5 – Ohio Department of Natural Resources (cont’d)

Appendix T

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SA5-9	<p>The DOW understands that additional surveys, and/or avoidance/minimization plans for the spotted turtle, the Blanding’s turtle, and the eastern spadefoot toad will be conducted and/or developed during the 2016 survey season. Survey plans, and survey results should be coordinated with the DOW. In addition, the DOW recommends that surveys and avoidance/minimization plans be conducted/developed by a DOW approved herpetologist.</p>
SA5-10	<p>The DOW understands that mussel surveys and reconnaissance surveys were conducted in accordance with the <i>Ohio Mussel Survey Protocol</i>. Please coordinate the survey results/reports with the DOW.</p> <p>ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.</p> <p>John Kessler ODNR Office of Real Estate 2045 Morse Road, Building E-2 Columbus, Ohio 43229-6693 John.Kessler@dnr.state.oh.us</p>

SA5-9 As per our recommendation in section 4.7.3, we recommend that Rover continue to consult with state agencies to identify any additional mitigation measures or surveys for state-listed species.

SA5-10 Rover filed all survey data results with the FERC through the eLibrary system.

# STATE AGENCIES

## SA6 – Ohio State Representative Dave Hall

20160427-5064 FERC PDF (Unofficial) 4/27/2016 8:49:38 AM



**Dave Hall**

*State Representative, 70th District  
Ashland, Holmes and Medina Counties*

4/26/16

Kimberly D. Bose  
Secretary, Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

**DOCKET NO. CP 15-93-000**

Dear Secretary Bose,

SA6-1

With the discovery of Utica and Marcellus shale and its abundance in the State of Ohio, we have a unique opportunity to bring jobs to our region and spur economic development. Currently, we lack the infrastructure to transport the natural gas that is being developed in the Appalachian region, which is why the Rover Pipeline Project is important.

Energy needs are increasing across our country and state, and natural gas is one of the safest and cleanest sources of energy that we have available to us. With such a rich resource, we can finally become less dependent on foreign energy sources thereby making us safer and lowering costs for household energy use. The Rover Pipeline's location in Ohio will put our great state at the epicenter of energy transportation in the area.

I encourage Rover Pipeline to continue to work with landowners and stakeholders throughout the FERC process to ensure that questions are addressed and feedback is taken into consideration. As you review this project, please keep in mind my support for the construction of the project.

Sincerely,

*Dave Hall*

Dave Hall  
State Representative  
Ohio 70<sup>th</sup> House District

**State Representative Dave Hall**  
77 South High Street  
Columbus, Ohio 43215-6111



**Ohio's 70<sup>th</sup> House District**  
Columbus Office: (614) 466-2994  
[Rep70@OhioHouse.gov](mailto:Rep70@OhioHouse.gov)

SA6-1

The commentor's support for the Project is noted.

T-65

Appendix T

# STATE AGENCIES

## SA7 – Michigan State Representative Aric Nesbitt

Appendix I

T-66

20160519-5211 FERC PDF (Unofficial) 5/19/2016 4:51:58 PM

This comment letter has been submitted twice. See  
FERC eLibrary [http://elibrary.FERC.gov/idmws/  
file\\_list.asp?accession\\_num=20160523-0080](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20160523-0080)

State Representative Aric Nesbitt, Lansing, MI.  
May 6, 2016

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E.  
Washington, D.C. 20426

RE: Rover Pipeline LLC  
FERC Docket No. CP 15-93-000  
Letter to the File

Dear Secretary Bose,

SA7-1

As Michigan continues to grow our economy, create good jobs, and modernize our approach to providing clean and affordable energy, it is vital that we have the infrastructure in place to support these priorities. I have introduced and supported a number of pieces of legislation related to expanding access to natural gas. These measures, aimed at increasing infrastructure and ensuring safety, have received a wealth of bipartisan support. I write to the Federal Energy Regulatory Commission to reiterate those goals - I fully support the expansion of our region's natural gas infrastructure. Projects like the Rover Pipeline stand to provide a wealth of benefits to the state of Michigan and the region in a responsible, environmentally friendly manner.

During my time as Chair of the House Committee on Energy Policy, I had the opportunity to serve on the Subcommittee on Natural Gas. In 2012, we were tasked with investigating the current and future supply of natural gas in Michigan, a study which culminated in The Natural Gas Subcommittee Report on Energy and Job Creation. The Subcommittee examined the responsible exploration and development of natural gas resources. Following a series of hearings, field visits, and meetings on the production, storage, transmission, and energy generation sites, we found that the efficient pipeline infrastructure to deliver a low-cost commodity could help both provide for savings for consumers and allow for increased business growth.

Advances in pipeline infrastructure have ensured that these projects will be undertaken in a responsible manner, with minimal impacts to local communities. Endeavors such as the Rover Pipeline have demonstrated a commitment to safety, with a range of measures employing the latest in pipeline construction and monitoring technologies. Studies have proven time and again that underground pipelines are the safest, most efficient means to bring our nation's natural resources to market.

Further, the construction of natural gas pipelines carry with them a host of benefits to local communities. The Rover Pipeline, for example, will create up to 10,000 construction jobs in Michigan, Ohio, West Virginia, and Pennsylvania. Wages paid will go on to support hardworking men and women and their families. Additionally, these workers will purchase goods and services from local businesses along the construction route,

SA7-1

The commentor's support for the Project is noted.

STATE AGENCIES

SA7 – Michigan State Representative Aric Nesbitt (cont’d)

20160519-5211 FERC PDF (Unofficial) 5/19/2016 4:51:58 PM

SA7-1  
cont'd

generating income for another layer of community members. Not to mention, pipeline construction generates millions of dollars in property and sales taxes, which go a long way toward bolstering our state's schools and infrastructure.

While I understand that landowners may harbor concerns about impacts to their properties, I am confident that companies like Rover expend an immense amount of time and effort to both minimize construction impacts and restore lands that are affected. I know firsthand the importance of our region's agricultural sector - I grew up on a six-generation family dairy and grape farm, and I would not support pipeline projects if properties like that of my family would be adversely affected.

Ultimately, midstream infrastructure projects provide a clean, domestic, cost-effective source of energy that goes on to fuel our manufacturers, power our businesses, and heat our homes. For these reasons, I support construction of natural gas pipelines like Rover. I encourage the Commission to undertake a timely review of these projects in order for these benefits to be realized by Michigan residents and the region at large.

Warm regards,

Aric Nesbitt  
State Representative  
District 66

T-67

Appendix T

# STATE AGENCIES

SA8 – Ohio State Representative Mark J. Romanchuk

Appendix I

T-68

20160524-0013 FERC PDF (Unofficial) 05/24/2016



OFFICE OF  
EXTERNAL AFFAIRS

2016 MAY 24 A 9 24

**MARK J. ROMANCHUK**

State Representative  
House District 2

FEDERAL ENERGY  
REGULATORY COMMISSION

May 13, 2016

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

DOCKET NO. CP 15-93-000

To the Commission:

SA8-1

I am writing today to share my perspective on the Rover Pipeline Project, which passes through my state legislative district.

As many of Ohio's families continue to struggle following the effects of the 2008 recession, the Rover Pipeline is a welcome economic opportunity. During the construction phase of the \$3.7 billion project, over 10,000 jobs will be created, including between 4,500 and 6,500 in Ohio. In addition, over 75% of the pipeline's materials are going to be manufactured in the United States, with a significant portion coming from Ohio. For example, Rover has announced plans to purchase Ohio-made equipment totaling at least \$85 million from several major Ohio companies.

The Rover Pipeline will not only benefit Ohio pipeline construction and manufacturing workers, but our state's retail, housing, and service industries as well. The men and women building the pipeline will be consumers of goods and services in many communities along the pipeline's path. The list of items and services they will be purchasing on a daily basis will provide a robust opportunity for many local businesses.

I represent a part of Ohio where factories and farms meet. While Rover's benefits for the economy have been made clear, I am aware that Rover has taken significant and meaningful steps to ensure that our valuable agricultural land is protected during construction and restored upon completion of construction. Rover is providing farmers and landowners with access to the services of land restoration experts to make certain that these productive lands remain so long after the pipeline is in service.

**Committees:**

Economic and Workforce Development, *Chair*  
Finance Subcommittee on Health and Human Services  
Finance  
Public Utilities

77 South High Street,  
Columbus, Ohio 43215  
614-466-5802 (Office)  
[Rep02@ohiohouse.gov](mailto:Rep02@ohiohouse.gov)

SA8-1

The commentor's support for the Project is noted.

STATE AGENCIES

SA8 – Ohio State Representative Mark J. Romanchuk (cont’d)

20160524-0013 FERC PDF (Unofficial) 05/24/2016

SA8-1  
cont'd

Finally, the safety of my constituents is paramount. Pipelines are the safest and most reliable means of transporting energy products. Today, there are over 2.8 million miles of pipeline safely transporting energy products across the country on a daily basis. I am convinced that Rover Pipeline officials and employees are dedicated to preserving this incredible record through sound and responsible construction, operation, and maintenance practices that approach everything with the utmost caution and safety.

In summary, for the reasons stated above, I support and encourage your agency’s approval of the Rover Pipeline.

Sincerely,



Mark J. Romanchuk  
State Representative  
District 2

**Committees:**  
Economic and Workforce Development, *Chair*  
Finance Subcommittee on Health and Human Services  
Finance  
Public Utilities

77 South High Street,  
Columbus, Ohio 43215  
614-466-5802 (Office)  
[Rep02@ohiohouse.gov](mailto:Rep02@ohiohouse.gov)

STATE AGENCIES

SA9 – Pennsylvania State Representative Jason Ortitay

Appendix I

T-70

20160407-5071 FERC PDF (Unofficial) 4/7/2016 10:22:52 AM	
SA9-1	<p>Jason Ortitay, Bridgeville, PA. Thank you for the opportunity to provide my input on the Rover Pipeline project.</p> <p>My name is Rep. Jason Ortitay, and I serve in the Pennsylvania House of Representatives. I represent the 46th Legislation District in Washington and Allegheny counties. While no comment meeting was scheduled to be held in Pennsylvania, I felt compelled to discuss some of the ways in which the Rover Pipeline will benefit my constituents and the state. This project stands to bring several important positive impacts to the region. This project stands to bring many positive impacts to the region and will be done in such a way that will minimize any potential environmental impacts on local communities. For these reasons, I support the Rover Pipeline project.</p> <p>The Rover Pipeline represents an approximately \$4.2 billion dollar investment directly into local, regional and national economies. The project will create up to 10,000 construction jobs, with 150 to 300 of those positions in Pennsylvania. Additionally, Rover is projected to generate \$900,000 in sales tax revenue and \$1.3 million in ad valorem taxes in the state. These funds will go a long way toward bolstering local schools and infrastructures for years to come.</p> <p>I have taken some time to review the Rover proposal, and I was impressed by the amount of planning that has gone into the project. The draft Environmental Impact Statement demonstrates that the company has taken an enormous number of environmental factors into consideration. In my estimation, Rover's mitigation plans have satisfied the requirements laid forth by the Commission.</p> <p>One important factor in meeting these requirements is Rover's commitment to employing union workers during construction of the pipeline. This highly skilled workforce will strictly adhere to local and federal regulations, ensuring a safe, clean workspace and minimizing impacts to local communities along the construction route.</p> <p>My primary goal as a state representative is to advocate for the welfare of Pennsylvania citizens. I would not support a project if I did not truly believe that it would generate long-term benefits. I am convinced that the Rover Pipeline is one such endeavor, and I encourage FERC to complete a timely review so that these positive effects can come to fruition. Thank you again.</p>

SA9-1                      The commentor's support for the Project is noted.



STATE AGENCIES

SA10 – Ohio State Senator Troy Balderson



TROY BALDERSON  
STATE SENATOR  
20TH DISTRICT

COMMITTEES  
ENERGY & NATURAL RESOURCES – CHAIR  
PUBLIC UTILITIES – VICE CHAIR  
GOVERNMENT OVERSIGHT & REFORM  
INSURANCE  
EDUCATION  
FINANCE SUBCOMMITTEE ON EDUCATION  
JOINT COMMITTEE ON AGENCY RULE REVIEW

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

April 15, 2016

Dear Secretary Bose,

SA10-1 I am writing today to share my perspective on the Rover Pipeline Project and its impact on the State of Ohio.

Ohio's emerging role as a center of the nation's emerging energy renaissance cannot be overstated. As the chair of the Ohio Senate's Energy and Environment Committee, I am excited to report that the production of natural gas from Ohio's Utica shale continues to set new records. However, prices for that gas have remained below market averages because the infrastructure necessary to bring the gas to markets is severely lacking. That need has been one of reasons Ohio's energy exploration and investment has been dampened for the past year. The Rover Pipeline is a welcome step to bridge the infrastructure gap. In doing so, it will create significant economic activity across the region.

During the construction phase of the \$3.7 billion project, over 10,000 jobs will be created, including between 4,500 and 6,500 in Ohio. Workers from many different trades will be involved in the construction. In addition, over 75% of the pipeline's materials are going to be manufactured in the United States, with a significant portion coming from Ohio. For example, Rover has announced plans to purchase Ohio-made equipment totaling at least \$85 million from several major Ohio companies.

The Rover Pipeline will not only benefit Ohio pipeline construction and manufacturing workers, but a much broader swath of the state's economy. Economic activity along the entire route of the Rover Pipeline will see an increase as the pipeline's workers and suppliers engage daily. Rover will be an advantage for our state in so many ways.

Rover has shared its plans to address a variety of other issues, including environmental concerns, the protection of agricultural lands, and public safety. By taking this comprehensive approach to the pipeline project, I am encouraged that the benefits Ohio will derive throughout the pipeline's construction and operation will be substantial and widespread.

SENATE OFFICE BUILDING • 1 CAPITOL SQUARE • COLUMBUS, OHIO 43215  
EMAIL: Balderson@ohiosenate.gov • PHONE: 614-466-8076

SA10-1 The commentor's support for the Project is noted.

T-71

Appendix T

STATE AGENCIES

SA10 – Ohio State Senator Troy Balderson (cont’d)

Appendix T

SA10-1 | In summary, for the reasons stated above, I support and encourage your agency’s approval  
cont’d | of the Rover Pipeline.

Sincerely,



State Senator Troy Balderson  
20<sup>th</sup> District of Ohio

T-72

# LOCAL AGENCIES

LA1 – New Cumberland, Hancock County, West Virginia

20160404-0021 FERC PDF (Unofficial) 04/04/2016

FERC Docket No. C.P 15-93-000

FILED  
SECRETARY OF THE  
COMMISSION

March 23, 2016

Re: Rover Pipeline, LLC

2016 APR -4 P 4: 18

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St. N.E.  
Washington, D.C. 20426

FEDERAL ENERGY  
REGULATORY COMMISSION

ORIGINAL

Dear Ms. Bose:

As Mayor of New Cumberland, Hancock County, West Virginia I wish to submit this letter supporting the construction of a section of Rover Pipeline through our town.

The Rover project made a route change to avoid impacting, during construction, the Mountaineer Woodview Golf Course that lies within Hancock County. This change was welcome news indeed to both the owner and the patrons of the golf course. We are very appreciative of this decision.

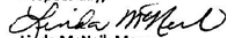
As one who has always appreciated our wealth of natural resources I am also pleased to hear that the location of the Rover Pipeline route will minimize noise impacts on the wildlife that live in the Paden Island National Refuge on Paden Island. Decisions such as this, along with utilizing the horizontal direction drilling method for crossing the Ohio River, shows me that the Rover Pipeline Project understands its duty to minimize impacts to our regions important natural resources.

On October 26, 2015 representatives of Rover Pipeline addressed City Council. Council members asked many questions about construction methods, pre and post- construction safety procedures, and anticipated economic benefits.

We are pleased that the company has expressed dedication to responsible construction of this project and recognize that it is highly regulated by both federal and state government. It will contribute to the much needed energy production of the state.

The community of New Cumberland asks your prompt approval of Rover so the construction can begin as soon as possible and the benefits can start flowing into the region.

Respectfully,

  
Linda McNeil, Mayor

LA1-1

The commentor's support for the Project is noted.

T-73

Appendix T

# LOCAL AGENCIES

## LA2 – Wayne County Commissioners, Ohio

Appendix T

T-74



### WAYNE COUNTY COMMISSIONERS

Jim Carmichael ★ Ann M. Obrecht ★ Scott S. Wiggam

April 8, 2016

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Dear Ms. Bose:

You are receiving this letter in regard to the Rover Pipeline, Panhandle Backhaul, and Trunkline Backhaul Projects Environmental Impact Study (EIS) that was released on February 19, 2016. The Wayne County Commissioners and Wayne Soil and Water Conservation District have reviewed the Environmental Impact Study and would like to submit comments on some of the practices Rover has proposed in its EIS. The following comments are based on the Ohio Department of Agriculture's (ODA) Ohio Pipeline Standard and Construction Specifications (<http://www.agri.ohio.gov/divs/SWC/SWC.aspx>):

- The EIS states in Appendix G-3, Section 2.B. to remove topsoil from the area to be excavated and the adjacent subsoil storage area rather than the full width of the right-of-way (R-O-W) as indicated in the ODA Standards. Removing topsoil from the full width of the R-O-W will avoid topsoil mixing caused by deep rutting and topsoil compaction.
- Section 1.A. states that minimum depth of cover in Agricultural Lands is four feet. ODA Standards states there should be a minimum depth of five feet. A minimum depth of cover of five feet will provide additional separation and safety should existing subsurface tiles need to be repaired or should new tiles be installed.
- There is no mention of Sediment and Erosion (S & E) Control Best Management Practices (BMP's). Some of these practices would include temporary or permanent vegetation, slope breakers (water bars), etc. Rover should be aware of and provide the pipeline contractors with details and specifications for S & E Control BMP's to protect the County waterways during construction.
- There is no detail of how to support repaired tiles that cross the pipeline trench to keep them from sagging and separating.
- The proposed EIS states (Section 3.H.) that they would determine extent of damaged tile lines by probing or other suitable means. ODA recommends using a closed-circuit TV camera to determine the condition of the tile.
- The proposed EIS states that damaged soil conservation practices (i.e. grassed waterway, etc.) would be returned to their preconstruction condition (Section 11).

428 WEST LIBERTY STREET WOOSTER, OHIO 44691 330-287-5400 FAX 330-287-5407  
wccommissioners@wayneohio.org

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- |       |  |
|-------|--|
| LA2-1 | See the response to comment SA3-2 regarding OHDA's standards.  |
| LA2-2 | See the response to comment SA3-2 regarding OHDA's standards.  |
| LA2-3 | Sediment and erosion control measures are described in Rover's Plan and Procedures. These measures include slope breakers, trench plugs, sediment barriers, and mulching. These and other sediment and erosion control measures are discussed throughout the EIS.                                |
| LA2-4 | Section 4.8.4.1 has been updated to include a recommendation that Rover consult with the OHDA regarding the Ohio AIMP and revise or add any additional mitigation measures that may be appropriate. These measures may include mitigation to prevent repaired tiles from sagging and separating. |
| LA2-5 | See the response to comment SA3-2 regarding OHDA's standards.  |
| LA2-6 | See the response to comment SA3-2 regarding OHDA's standards.  |

# LOCAL AGENCIES

## LA2 – Wayne County Commissioners, Ohio (cont'd)

- LA2-6  
cont'd
- ODA Standards say that this should be determined by approval of the landowner or Soil and Water Conservation District.
- LA2-7
- The EIS states that the settling and subsurface drainage problems will be addressed in 120 days (Section 8.C.). The ODA Standards states to address problems within 45 days. Settling and drainage problems should be addressed sooner, rather than later, to reduce topsoil and crop damage/loss.
- LA2-8
- There is no mention of post-construction soil compaction monitoring. Post-construction soil compaction inside and outside the R-O-W should be performed to determine if soil shattering needs to be performed to alleviate soil compaction.

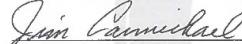
LA2-9

We support FERC for their recommendations stated in the EIS in Section 4.8.4.1 for recommending a five year rather than a two year post construction monitoring period. We also support FERC's recommendation to have Rover commit to hire local tile drainage contractors to repair drain tiles (recommended in Section 4.8.4.1). We also support FERC's recommendation to have Rover provide information on repairs to the landowner or the local Soil and Water Conservation District.

These are the comments that we would like to submit to FERC in hopes that best practice will be used in this process. Thank you for your consideration of these concerns.

Sincerely,

Board of Wayne County Commissioners

  
Jim Carmichael, President

  
Scott S. Wiggam

  
Ann M. Obrecht

/dla / cms / RoverFERCCommentLetter 4 8 2016

LA2-7

Rover would repair tile lines within 45 days of the pipeline being laid in the trench on the landowner's property. Section 8.C. of Rover's AIMP states that if, after restoration, surface drainage problems develop, Rover would provide land leveling services within 120 days of landowner written notice. See the response to comment SA3-2 regarding OHDA's standards.

LA2-8

As discussed in section 4.2, Rover would employ topsoil segregation techniques in agricultural and residential areas. Rover would test both the topsoil and subsoil for compaction at regular intervals. Soil identified to be compacted would be decompacted by deep tilling using a paraplow or similar method. Additionally, compaction tests would be conducted on undisturbed areas of the same soil type and conditions to approximate pre-construction soil compaction.

LA2-9

The commentors' support for the specified recommendations is noted.

# LOCAL AGENCIES

## LA3 – Sherrodsville Volunteer Fire Department, Inc.

Appendix T

T-76

20160408-5204 FERC PDF (Unofficial) 4/8/2016 2:43:30 PM

### Sherrodsville Volunteer Fire Department, Inc.



8183 Stover Rd.  
Sherrodsville, OH 44675

Phone: (740) 269-1743

Fax: (740) 269-1576

Email: [svfdinc@yahoo.com](mailto:svfdinc@yahoo.com)

April 8, 2016

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Rover Pipeline  
Docket# CP15-93-000

Dear Ms. Bose,

I met with representatives from ET Rover before the FERC meeting in Cadiz on April 5<sup>th</sup> to go over my concerns in my comment submitted to FERC on April 1<sup>st</sup>. They told me their proposed pipeline route will not be moved and told me how safe these pipelines will be. They really did nothing at all to make me change my opinion on how I feel about Rover pipeline routed through my fire departments coverage area and being so close to our fire station and residents homes.

There are so many environmental concerns for our area and concerns for the safety of the residents here. I just wanted to make you aware that my conversation with Rover got me nowhere and I still stand behind my original comment filed to you on April 1, 2016.

Sincerely,

Carl Miller  
Assistant Fire Chief  
Sherrodsville V.F.D., Inc. – Station 20

Attached are copies of emails and mailings regarding pipeline emergency training being offered to our department. This proves the gas companies are aware accidents can happen with these pipelines and no pipeline is 100% safe, therefore pipelines this large should not be placed in residential areas.

LA3-1

LA3-1

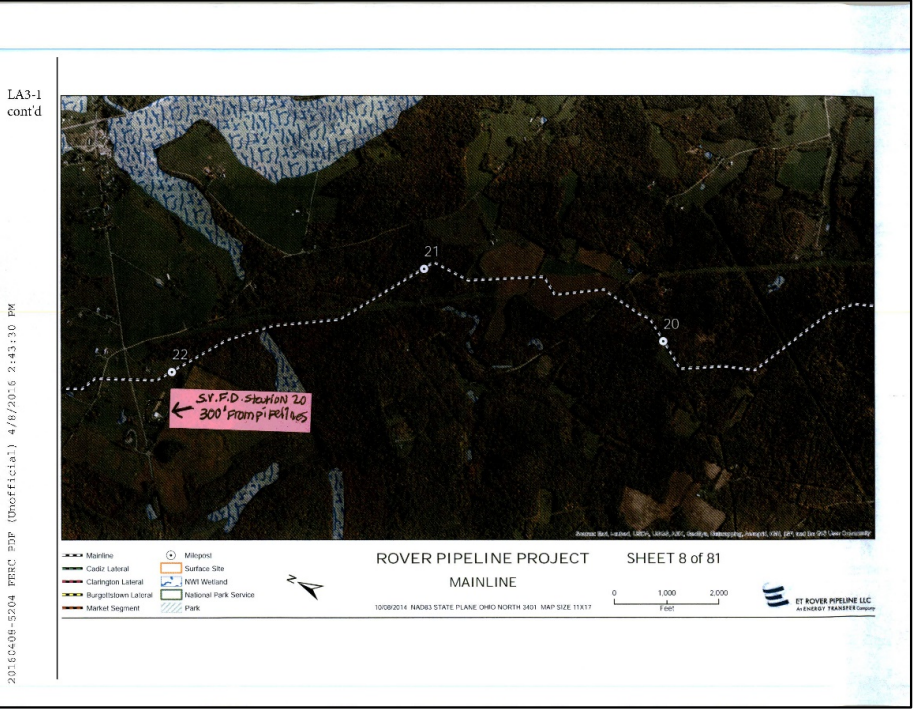
Section 4.12 discusses pipeline safety and states that the pipeline and aboveground facilities associated with the Project would be designed, constructed, operated, and maintained in accordance with or to exceed the DOT Minimum Federal Safety Standards in 49 CFR 192. These regulations are intended to protect the public and to prevent natural gas facility accidents and failures, and include more stringent design measures in populated areas. Sections 4.12.2 and 4.12.3 of the EIS disclose pipeline incident statistics and conclude that the number of significant incidents over more than 300,000 miles of transmission pipeline indicates the risk is low for an incident at any given location.



LOCAL AGENCIES

LA3 – Sherrodsville Volunteer Fire Department, Inc. (cont'd)

T-77



Appendix T

LOCAL AGENCIES

LA3 – Sherrodsville Volunteer Fire Department, Inc. (cont’d)

Appendix I

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20160408-5204 FERC PDF (Unofficial) 4/8/2016 2:43:30 PM

2016 OHIO

LA3-1

cont'd

# Pipeline Safety Awareness and Emergency Response Programs

Complimentary program coming soon to a city near you!

- Pipeline purpose and reliability
- Safety initiatives of pipeline companies
- Products, hazards and characteristics
- Leak recognition and emergency response
- Defining “high consequence areas”
- Virtual Scenario Manager™ (VSM)
- Damage prevention – Safe digging practices (811)

OHIO

Pipeline Emergency Response And Awareness For Excavator Operations

2016 Program Guide

2016 OHIO SPONSORS

Air Products, L.P.

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Ascent Resources, LLC

BP Pipelines (North America), Inc.

Blue Racer Midstream

Buckeye Partners, LP

Citgo Petroleum Corporation

Cobra Pipeline Company, LTD

Columbia Gas of Ohio

Columbia Gas Transmission LLC

Columbia Midstream Group

CONSOL Energy

Crossroads Pipeline Company

Dominion East Ohio

Dominion Transmission, Inc.

Duke Energy

Enbridge (US) Inc

Energy Transfer

EnLink Midstream

Enterprise Products Operating LLC

Eureka Hunter Pipeline, LLC

Kinder Morgan Cochis LLC

Lancaster Municipal Gas Dept.

Marathon Pipe Line, LLC

MarkWest Energy Partners Utica

National Gas & Oil Cooperative / NGO Transmission, Inc.

North Coast Gas Transmission

Northeast Ohio Natural Gas

Ohio Gas Company

Ohio Rural Natural Gas Co-Op

Ohio Valley Gas Corporation

Orwell Natural Gas Company

Panhandle Eastern Pipe Line Company, LP

Piedmont Gas Company

Plains All American Pipeline, L.P.

Rice Olympus Midstream, LLC

Spelman Pipeline Holdings LLC

Suburban Natural Gas Company

Summit Midstream Partners, LLC

Sunoco Pipeline L.P. / Inland Corporation / Mid-Valley Pipeline Co.

Tallgrass Energy Partners / Rockies Express Pipeline

Tennessee Gas Pipeline Company

Texas Eastern Transmission, LP / Spectra Energy

Texas Gas Transmission, LLC

Toledo Refining Company

TransCanada / ANR Pipeline

Utica East Ohio Midstream LLC

Vectren Energy Delivery

Waterville Gas & Oil

Williams

Williams Ohio Valley Midstream

WMRE of Ohio, LLC

WMRE of Ohio - American, LLC

AGENDA

Dinner Meetings

5:30 pm - 6:00 pm

6:00 pm - 7:30 pm

7:30 pm - 7:45 pm

Registration and Dinner

Program and Presentation

Questions and Answers

For questions or additional information, contact us at (877) 477-1162 or visit our website at [oh.pipeline-awareness.com](http://oh.pipeline-awareness.com)

PROGRAM

- Know the Operators....Know their Products
- In-Person Operator Information
- Noteworthy Nationwide Incidents
- Virtual Incident Scenario
- On-Scene Chemistry/Hazmat Basics
- Valuable Networking and Interaction
- Safe Digging Practices (811)

“ THIS CLASS HAS SAVED MY LIFE! ”

Program attendee

Paradigm

Liaison Services

OHIO

2 In-Service Credit Hours!

Local Agencies Comments



LOCAL AGENCIES

LA3 – Sherrodsville Volunteer Fire Department, Inc. (cont’d)

20160408-5204 FERC PDF (Unofficial) 4/8/2016 2:43:30 PM

2016 PIPELINE SAFETY AWARENESS & EMERGENCY RESPONSE PROGRAMS

#	City	Date	Time	Day
1	Warren	03/29/16	5:30 PM	Tuesday
2	Medina	03/31/16	5:30 PM	Thursday
3	Millersburg	04/04/16	5:30 PM	Monday
4	Canton	04/05/16	5:30 PM	Tuesday
5	Wintersville	04/06/16	5:30 PM	Wednesday
6	Zanesville*	04/07/16	5:30 PM	Thursday
7	Middleport	04/11/16	5:30 PM	Monday
8	Circleville*	04/12/16	5:30 PM	Tuesday
9	Cambridge	04/13/16	5:30 PM	Wednesday
10	Portsmouth	04/14/16	5:30 PM	Thursday
11	Napoleon	04/26/16	5:30 PM	Tuesday

#	City	Date	Time	Day
12	Toledo*	04/27/16	5:30 PM	Wednesday
13	Sandusky	04/28/16	5:30 PM	Thursday
14	Delaware	05/02/16	5:30 PM	Monday
15	Bucyrus	05/03/16	5:30 PM	Tuesday
16	Paulding	05/05/16	5:30 PM	Thursday
17	Kenton	05/09/16	5:30 PM	Monday
18	Piqua*	05/10/16	5:30 PM	Tuesday
19	Wilmington*	05/11/16	5:30 PM	Wednesday
20	Dayton*	05/12/16	5:30 PM	Thursday
21	Cincinnati*	05/16/16	5:30 PM	Monday

\* Additional 7:00 AM Excavator Program Available

LA3-1  
cont'd



2 In-Service Credit Hours! OHIO

T-79

Appendix T

LOCAL AGENCIES

LA3 – Sherrodsville Volunteer Fire Department, Inc. (cont’d)

Appendix T

T-80

20160408-S204 FERC PDF (Unofficial) 4/8/2016 2:43:30 PM

You are invited to a Coordinated Response Exercise for pipelines

LA3-1

Hear from First Responders regarding lessons learned from an actual incident

cont'd

\*\*\*\*\*SCH 3-DIGIT 442

Sherrodsville Vfd


Current Fire Chief


Or William Booth

8183 Stover Rd SW

Sherrodsville, OH 44675-9781

U88G-QRDM





Participation and discussion surrounding mock drills and/or pipeline incident exercises.

Complimentary training and the opportunity to interact with your local pipeline operators!

Your local pipeline and gas distribution companies are hosting a liaison meeting that includes a meal and incident exercise. There will be a **\$500 Visa Gift Card Giveaway** at the conclusion of the 2016 Ohio meetings. All attendees who fill out and submit an awareness survey will automatically be entered into the drawing.

PROGRAM & VENUE INFORMATION (Program Run Time: 90 minutes + Q & A)

April 6, 2016 / 5:30 PM

St. Florian Hall

286 Luray Dr.

Wintersville, OH 43953

RSVP online with your WebCode at: [oh.pipeline-awareness.com](http://oh.pipeline-awareness.com)

Have a Meeting Invite?

WebCode: **U88G-QRDM**

Get Started

To learn more about your local pipeline meeting sponsors, please visit [oh.pipeline-awareness.com](http://oh.pipeline-awareness.com).

Critical emergency response planning information will be presented:


• Safety Initiatives


• Leak Recognition and Response

• Defining High Consequence Areas

• Product Hazards and Characteristics

You will receive a **Certificate of Completion** following the meeting. This certificate may qualify for Continuing Education Units.





Toll-Free: 844-693-7788 Fax: 888-417-0818

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EO

Local Agencies Comments

LOCAL AGENCIES

LA3 – Sherrodsville Volunteer Fire Department, Inc. (cont’d)

20160408-5204 FERC PDF (Unofficial) 4/8/2016 2:43:30 PM

LA3-1  
cont'd

2016 Meeting Schedule

City	Date	Time	Day	Venue	Address
Warren	03/29/16	5:30 PM	Tuesday	DiVieste Banquet Rooms	745 N. River Rd. N.W.
Medina	03/31/16	5:30 PM	Thursday	Vell's Party Center	3526 Pearl Rd.
Millersburg	04/04/16	5:30 PM	Monday	The Barn at Flying Ridge Hunt Club	9537 County Rd. 292
Canton	04/05/16	5:30 PM	Tuesday	Executive Event Center	5211 Tuscarawas St. W.
Winterville	04/06/16	5:30 PM	Wednesday	St. Florian Hall	286 Luray Dr.
Zanesville*	04/07/16	7:00 AM	Thursday	Knights of Columbus	275 Sunrise Center
		5:30 PM			
Middleport	04/11/16	5:30 PM	Monday	MCC - Family Life Center	362 S. 5th St.
Circleville*	04/12/16	7:00 AM	Tuesday	Amvets	818 Tarlton Rd.
		5:30 PM			
Cambridge	04/13/16	5:30 PM	Wednesday	Pritchard Laughlin Civic Center	7033 Glenn Hwy.
Portsmouth	04/14/16	5:30 PM	Thursday	Holiday Inn - Portsmouth	711 Second St.
Napoleon	04/26/16	5:30 PM	Tuesday	The Armory Arts & Events Center	127 E. Clinton St.
Toledo*	04/27/16	7:00 AM	Wednesday	Ramada Hotel & Conference Center	3536 Secor Rd.
		5:30 PM			
Sandusky	04/28/16	5:30 PM	Thursday	Caesars Crystal Palace	1058 Cleveland Rd. W.
Delaware	05/02/16	5:30 PM	Monday	Brookshire	405 Grief Pkwy.
Bucyrus	05/03/16	5:30 PM	Tuesday	Elks Lodge	309 E. Mansfield St.
Paulding	05/05/16	5:30 PM	Thursday	The Paulding County OSU Extension Building at the Fairgrounds	503 Fairground Dr.
Kenton	05/09/16	5:30 PM	Monday	Hardin County Armory	128 N. Main St.
Piqua*	05/10/16	7:00 AM	Tuesday	The Fort Piqua Plaza Banquet Center	308 N. Main St.
		5:30 PM			
Wilmington*	05/11/16	7:00 AM	Wednesday	Roberts Centre	123 Gano Rd.
		5:30 PM			
Dayton*	05/12/16	7:00 AM	Thursday	Hope Hotel & Richard C. Holbrooke Conference Center	10823 Chidlaw Rd.
		5:30 PM			
Cincinnati*	05/16/16	7:00 AM	Monday	Sharonville Convention Center	11355 Chester Rd.
		5:30 PM			

\* 7:00 AM Excavator Breakfast - 5:30 PM ERPUB Dinner    5:30 PM ERPUB/Contractor Dinner

PROGRAM SPONSORS:

Air Products, L.P.	Northeast Ohio Natural Gas
Arc Terminals Holdings, LLC	Ohio Gas Company
Ascent Resources, LLC	Ohio Rural Natural Gas Co-Op
BP Pipelines (North America), Inc.	Ohio Valley Gas Corporation
Blue Racer Midstream	Orwell Natural Gas Company
Buckeye Partners, LP	Panhandle Eastern Pipe Line Company, LP.
Citgo Petroleum Corporation	Piedmont Gas Company
Cobra Pipeline Company, LTD	Plains All American Pipeline, L.P.
Columbia Gas of Ohio	Rice Olympus Midstream, LLC
Columbia Gas Transmission LLC	Spelman Pipeline Holdings LLC
Columbia Midstream Group	Suburban Natural Gas Company
CONSOL Energy	Summit Midstream Partners, LLC
Crossroads Pipeline Company	Sunoco Pipeline L.P. / Inland Corporation / Mid-Valley Pipeline Co.
Dominion East Ohio	Tallgrass Energy Partners / Rockies Express Pipeline
Dominion Transmission, Inc.	Tennessee Gas Pipeline Company
Duke Energy	Texas Eastern Transmission, LP / Spectra Energy
Enbridge (US) Inc	Texas Gas Transmission, LLC
Energy Transfer	Toledo Refining Company
EnLink Midstream	TransCanada / ANR Pipeline
Enterprise Products Operating LLC	Utica East Ohio Midstream LLC
Eureka Hunter Pipeline, LLC	Vectren Energy Delivery
Kinder Morgan Cochin LLC	Waterville Gas & Oil
Lancaster Municipal Gas Dept.	Williams
Marathon Pipe Line, LLC	Williams Ohio Valley Midstream
MarkWest Energy Partners Utica	WMRE of Ohio, LLC
National Gas & Oil Cooperative / NGO Transmission, Inc.	WMRE of Ohio - American, LLC
North Coast Gas Transmission	

T-81

Appendix T

# LOCAL AGENCIES

## LA4 – Marshall County Commission, West Virginia

Appendix I

T-82

20160411-0022 FERC PDF (Unofficial) 04/11/2016

### MARSHALL COUNTY COMMISSION

STANLEY C. STEWART, PRESIDENT  
SCOTT G. VARNER  
ROBERT A. MILLER

FILED Betsy Wilson Frohnappfel, Administrator  
SECRETARY OF THE  
COMMISSION JAN PEST, COUNTY CLERK

2016 APR 11 P 4:32

ORIGINAL

Date: April 5, 2016

Written testimony from the Marshall County, WV Commissioners regarding the Rover Pipeline Project.  
Docket No. CP 15-93-000

LA4-1

We, the undersigned, are the County Commissioners for Marshall County, West Virginia. Our county of 33,107 (2010 census) people supports the Rover Pipeline Project, and look forward to the sustained benefits from the project into the region.

Gas pipeline projects create high-paying jobs, generate significant economic activity and expand the local tax base. With every \$1 billion invested, hundreds of thousands of workers are employed to explore, produce, transport and distribute natural gas, and the tax revenue is generated comes at a time when states and local communities need it most.

Regarding the Rover Pipeline I would like to express my recognition of the care Rover has taken to secure our environmentally sensitive features, and areas of population density.

Rover, will cross approximately 12.04 miles of Marshall County (Majorsville Lateral). It is a potential area for certain bat species. Rover took care in the routing, alignment and siting of the pipeline to avoid roosting trees for specific bat species (i.e., Northern Long Ear and Indiana Brown bats) to avoid potential disturbances to them. It is important that they not only avoid roosting trees, but are mitigating for the presence of the pipeline by potentially increasing habitat.

Also Rover avoids areas of population density by routing through sparsely populated areas while crossing Marshall and Wetzel County's from the east to the west. The Sherwood Lateral will avoid Paden Island and the Ohio River Islands National Wildlife Refuge as it crossed the Ohio River and as the Majorsville Lateral approaches the Ohio River to the very southern side of Glenn Dale, and begins the crossing the Ohio River towards Shadyside Ohio, impact to a local development area are minimized by adjusting the HDD boring designs.

And it's good economic news for our entire state. Approximately 2,000 high paying construction jobs will be needed by the project in West Virginia alone, with 50 percent of those jobs estimated to come from local union halls.

Marshall County's projected portion of the Rover Pipeline may be small, but the long-term benefits could be big. Only 12.04 miles of the 711-mile natural gas pipeline will run through Marshall County, but the property tax windfall could total \$800,000 a year, starting in 2017.

During construction, there will be a boost to our local economies through expenditures to hotels,

P.O. DRAWER B - MOUNDSVILLE, WV 26041

REGULAR SESSIONS FIRST TUESDAY - JANUARY-APRIL-JULY-OCTOBER TELEPHONE - 848-0482 FAX 843-1074

LA4-1

The commentors' support for the Project is noted.

# LOCAL AGENCIES

## LA4 – Marshall County Commission, West Virginia (cont'd)

20160411-0022 FERC PDF (Unofficial) 04/11/2016

### MARSHALL COUNTY COMMISSION

STANLEY C. STEWART, PRESIDENT

BETSY WILSON FROHNAPPEL, ADMINISTRATOR

SCOTT G. VARNER

JAN PEST, COUNTY CLERK

ROBERT A. MILLER

LA4-1  
cont'd

motels, campgrounds, grocery stores, gas stations, not to mention those involved in the remediation efforts such as landscape companies, asphalt batch plants and many other commercial establishments. Sales tax collected during construction is estimated to be over \$5.6 million, while state payroll taxes could top \$2.7 million.

In the first year of operation of the pipeline, \$3.9 million in local real estate taxes will be collected and put to work right here in West Virginia. All of these new tax revenues will help us fund schools, police and fire departments, public works projects, and other local needs.


And, most importantly, we are confident that this pipeline will be built according to the highest environmental standards. Following the guidelines set forth by this body and other federal regulatory agencies, there are many protections in place to ensure this project is undertaken in a safe and responsible manner from start to finish.

We have been pleased with the Rover team's commitment to responsible construction practices, their decision to utilize experienced local labor and construction, and their efforts with land owners to minimize impacts and fully restore impacted land.

Being convinced that Rover Pipeline, LLC is a business that shares our commitment to safety, knowing that they are highly regulated by both the federal and state government, and that this pipeline will contribute to the much needed energy production in the state, we wholeheartedly support the Rover Pipeline Project. The community of Marshall County asks your prompt approval of Rover so that construction can begin as soon as possible and the benefits can start flowing into the region.

  
Stanley C. Stewart, President

  
Scott G. Varner

  
Bob A. Miller, Jr.

**APPROVED**

APR 05 2016

BY COUNTY COMMISSION  
MARSHALL COUNTY, WV

P.O. DRAWER B - MOUNDSVILLE, WV 26041

REGULAR SESSIONS FIRST TUESDAY - JANUARY-APRIL-JULY-OCTOBER TELEPHONE - 845-0482 FAX 843-1074

T-83

Appendix T



# LOCAL AGENCIES

## LA5 – Defiance County Economic Development

Appendix I

T-84

20160415-0015 FERC PDF (Unofficial) 04/15/2016



ORIGINAL

April 5, 2016

Comments of Jerry Hayes, Executive Director – Defiance County Economic Development, regarding the Rover Pipeline Project.  
Docket No. CP 15-93-000

My name is Jerry Hayes, and I serve as the Executive Director of the Defiance County Economic Development Office. Defiance County ED Office seeks to attract new jobs and investment to Defiance County by linking interested investors to the information they need regarding properties, utilities and incentives available in Defiance County. Our office serves as the first contact point for companies seeking project assistance from both state and local government.

As you may know, Defiance County is the commercial and industrial hub of the six-county area of northwest Ohio. It is also my home. I attended Patrick Henry schools in Hamler and I have lived and worked in the Defiance area for the last 40 years. It is my firm belief that the project stands to benefit this community in a variety of ways while creating a minimal environmental impact on the area.

LA5-1

Construction of the Rover Pipeline will create up to 10,000 construction jobs along the pipeline route, with 4,500 - 6,500 temporary positions right here in Ohio. These wages will both support hardworking people and support the local businesses that workers frequent. Further, Ohio is expected to receive \$135 million in ad valorem taxes. These funds will go a long way toward bolstering our schools and infrastructure.

Recently, my office received an inquiry from an international consortium looking for a site for a large commercial fertilizer plant that would use large quantities of natural gas as their feedstock. It is certain that this opportunity was triggered by the possibility of a third natural gas transmission line through Defiance County.

Having worked for the economic development of Defiance for almost 20 years, I certainly would not support a project that would harm the prospects of its residents in any way. To that end, I can reassure both the Commission and landowners that property values in the area will not be negatively impacted in any way. I read parts of FERC's own Environmental Impact Statement on the Rover Pipeline. I appreciate that the Rover team carefully sited the routing around population areas like Jewell and Tiffin Township. The compressor station in Tiffin Township will be built with a substantial buffer around it. I also noted that Rover took care to cross Wade Creek in Henry County at a very narrow point which helps demonstrate a strong commitment to environmental protection. Lastly, I noticed the protection of the Maumee River with the crossing by a horizontal directional drill with the start and end of the drill well away from the sensitive River banks to minimize potential impacts.

For these reasons, I encourage the Commission to move forward with approval of the Rover Pipeline Project. Rover has than demonstrated its desire to preserve the environmental wellbeing of our community and provide an array of benefits to the region.

Sincerely,  
A handwritten signature in black ink, appearing to read "Jerry M. Hayes".  
Jerry M. Hayes  
Executive Director

ECONOMIC DEVELOPMENT  
OF DEFIANCE COUNTY

1300 E. SECOND STREET - SUITE 201 - DEFIANCE OHIO 43512-2551  
TEL 419-784-4471 OR 800-263-3342  
FAX 419-784-4157 • defecon@defnet.com

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SECRETARY OF THE  
COMMISSION  
2016 APR 15 P 2:21  
FEDERAL ENERGY  
REGULATORY COMMISSION

LA5-1

The commentor's support of the Project is noted.

LOCAL AGENCIES

LA6 – Jefferson County Port Authority

April 4, 2016

Testimony of Evan Scurti, the Jefferson County Port Authority’s Executive Director, regarding the Rover Pipeline Project.

DOCKET NO. CP 15-93-000

LA6-1

Good evening, and thank you for the opportunity to present my testimony in support of the Rover Pipeline Project.

My name is Evan Scurti. I am the Executive Director of the Jefferson County Port Authority and am here tonight in my official capacity as Executive Director.

Jefferson County has had an interest in the Rover Pipeline Project since we first became aware of it. We are in the center of the natural gas production area of the Marcellus Play. Natural gas has become a critical part of the County’s economic growth. However, protecting the environment and our citizens is also vital to our region’s development.

I have reviewed a number of the documents submitted to FERC by the Rover team. I have met with Rover team members, and interviewed them to determine the relevance and benefits of the Rover project to Jefferson County. Most recently, I have reviewed portions of the Draft Environmental Impact Statement (DEIS), and fully support the Rover Project. It protects our citizens and the environment, and is good for the sustained growth of the County.

The Rover team has carefully avoided threatened and endangered species along the route. For example, Yellow Creek is the first watershed area in Jefferson County to have an action plan for restoration. The plan includes provisions to restore the watershed, allowing it to become a suitable habitat for a number of species. This kind of diligence is appreciated. The route also stays to the south of Lake Austin, meaning that the Lake area will remain intact for any migratory birds that may rest there. The large recreational areas, including lakes, rivers, and streams, will be protected either by avoidance, the environmentally protective crossing methods like horizontal directional drills, or seasonally specific crossing times to protect breeding habitats.

Additionally, the Rover route avoids population centers by staying to the north of Toronto at the Ohio River crossing. It then avoids the population areas of Taylortown, Richmond, Fairfield, East Springfield, and Amsterdam, all of which help to minimize local impacts while bringing in financial benefits.

Rover is expected to create between 4,500 and 6,500 jobs in Ohio during the construction phase. These are jobs that residents in Jefferson County and elsewhere rely on for their livelihoods. By creating jobs during construction, the Rover Pipeline has an immediate positive impact on our communities. Neither are the benefits limited to employment. There will be benefits to local

LA6-1

The commentor’s support of the Project is noted.

NATIVE AMERICAN TRIBES

NAT1 – Miami Tribe of Oklahoma

Appendix I

T-86

20160316-5160 FERC PDF (Unofficial) 3/16/2016 4:59:44 PM	
	<p>Diane Hunter, Fort Wayne, IN. March 16, 2016</p> <p>Re: Rover Pipeline Project CP15-93-000</p> <p>To Whom It May Concern:</p>
NAT1-1	<p>Aya, kikwehsitoole. My name is Diane Hunter, and I am the Acting Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.</p> <p>The Miami Tribe offers no objection to the proposed project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this site is within the aboriginal homelands of the Miami Tribe, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966, by email at dhunter@miamination.com, or by mail at the address listed below to initiate consultation.</p>
NAT1-2	
NAT1-3	<p>The Miami Tribe wants to serve as a consulting party to the above-mentioned project. In my capacity as Acting Tribal Historic Preservation Officer I am the point of contact for consultation.</p> <p>Sincerely,</p> <p>Diane Hunter Acting Tribal Historic Preservation Officer Miami Tribe of Oklahoma P.O. Box 1326 Miami, OK 74355</p>

- NAT1-1

The commentor’s statement that the Miami Tribe has no objection to the Projects is noted.
- NAT1-2

As discussed in section 4.10, if any human remains or cultural items are found during construction of the Project, Rover, Trunkline, and Panhandle would follow the procedures outlined in their respective Unanticipated Discovery Plans.
- NAT1-3

The commentor’s request to serve as a consulting party for the Projects is noted.



# COMPANIES AND ORGANIZATIONS

## CO1 – Ohio Ecological Food and Farm Association

20160223-0018 FERC PDF (Unofficial) 02/22/2016



Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

2016 FEB 22 P 4: 33  
FEDERAL ENERGY  
REGULATORY COMMISSION

Re: Rover Pipeline LLC  
Docket No. CP15-93-000

Dear Ms. Bose:

CO1-1

On April 2, 2015 the Federal Energy Regulatory Commission requested additional information from the Energy Transfer (ET) Company to further complete the Environmental Impact Statement for the ET Rover pipeline project. Specifically, in addressing Resource Report 8, number 5 on page 27 FERC directs ET to:

*"Verify that no organic farms or specialty crops (other than those identified in the previous and following comment) would be crossed by the project. However, if organic farms or other specialty crops would be crossed, provide a discussion for each crossing site that includes specific mitigation measures and details of coordination with landowners, farm operators (if different than the landowner), and program administrators. Also, provide a table that identifies each tract that would be crossed and includes the following:*

- a. type of specialty crop*
- b. county, state;*
- c. start (of crossing) milepost;*
- d. end (of crossing) milepost;*
- e. acres of impact for construction and operation.*

*Finally, provide a discussion of measures that would be taken if additional specialty crops are identified within the Project area prior to construction."*

On December 16<sup>th</sup> we submitted this information and requests for the consideration of environmental impacts on the organic grass-based dairy operation of James Yoder located at 12303 Dover Road, Apple Creek, Wayne County, Ohio 44606. Mr. Yoder produces certified organic milk and hay at this location and tends organic pastures for his herd. Approximately 11 acres of Clover Meadow Farm will be impacted by the ET Rover pipeline construction, as the pipeline is planned to run diagonally through the farm's southern fields.



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CO1-1

Table 4.8.5-2 has been updated to include Mr. Yoder's organic farm. Additionally, section 4.8.5.1 has been updated to include discussion of impacts by the Project on organic farm land, including a recommendation that Rover develop a mitigation plan for Mr. Yoder's farm.

COMPANIES AND ORGANIZATIONS

CO1 – Ohio Ecological Food and Farm Association (cont’d)

Appendix T

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20160223-0018 FERC PDF (Unofficial) 02/22/2016

CO1-1  
cont'd

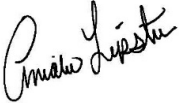
Mr. Yoder's farm should be included in ET's response to FERC and the final EIS as should be the specific organic agriculture impact mitigation procedures that will be employed to limit the impact on his operation.

CO1-2

Enclosed, please find a copy of the Organic Agriculture Impact Mitigation Plan. Organic farms are required to follow their organic systems plan and the requirements of the National Organic Program. Pipeline operations could result in environmental degradation that could result in decertification. We request that consideration be given to avoid his operation and in the least, that these detailed mitigation procedures be followed.

Thank you for your attention to this matter.

Respectfully,



Amalie Lipstreu  
Policy Program Coordinator

Enc. 1

CO1-2

Based on our desktop review of the proposed route across parcel OH-WA-027.000, adjusting the route off the parcel would result in impacting several additional landowners. We conclude that the proposed route is preferable to other minor route variations. We have updated section 4.8.5.1 with additional information regarding impacts and mitigation for organic farms.

COMPANIES AND ORGANIZATIONS

CO1 – Ohio Ecological Food and Farm Association (cont’d)

20160223-0018 FERC PDF (Unofficial) 02/22/2016

CO1-2  
cont'd

Agricultural Impact Mitigation  
Provisions for Organic Farms

Introduction

This document identifies mitigation measures that apply specifically to farms that are Certified Organic or farms that are in active transition to become Certified Organic, and is intended to address the unique management and certification requirements of these operations. All protections provided in the Agricultural Impact Mitigation Plan must also be provided to Organic Agricultural Land and Animals in addition to the provisions of this document. The provisions contained in this document will apply to Organic Agricultural Land and Animals for which the Landowner or Tenant has provided to (company) a true, correct and current version of the Organic System Plan within 60 days after the signing of the easement for such land or 60 days after the issuance of a routing permit to (company) by the Public Utilities Commission of Ohio, whichever is sooner, or in the event the easement is signed later than 60 days after the issuance of the routing permit, the provisions of this document are applicable when the Organic System Plan is provided to (company) at the time of the signing of the easement. (company) recognizes that Organic Agricultural Land is a unique feature of the landscape and will treat this land e and the Organic Animals being raised on it with the same level of care as other sensitive environmental features.

Definitions

In the event of a conflict between this document and the AIMP with respect to definitions, the definition provided within this document will prevail, but only to the extent such conflicting terms are used in this document. The definition provided for the defined words used herein shall apply to all forms of the words.

Apply:	To intentionally or inadvertently spread or distribute any substance onto the exposed surface of the soil.
Certifying Agent:	As defined by the National Organic Program Standards, Federal Regulations 7 CFR Parts 205.100, 205.202 and 205.101.
Decertified or Decertification:	Loss of Organic Certification
Organic Agricultural Land:	Farms of portions thereof described in 7CFR parts 205.100, 205.202 & 205.101

1 8 2016

# COMPANIES AND ORGANIZATIONS

## CO1 – Ohio Ecological Food and Farm Association (cont'd)

Appendix T

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20160223-0018 FERC PDF (Unofficial) 02/22/2016

CO1-2  
cont'd

- Organic Animals:** Certified organic livestock and poultry as described in 7CFR parts 205.236 through 7CFR part 205.240.
- Organic Buffer Zone:** As defined by the National Organic Program Standards, Federal Regulations 7CFR Part 205.2
- Organic Certification or Certified Organic:** As defined by the National Organic Program Standards, Federal Regulations 7CFR Part 205.100 and 7CFR Part 205.101
- Organic System Plan:** As defined by the National Organic Program Standards, Federal Regulations 7CFR Part 205.2
- Prohibited Substance:** As defined by the National Organic Program Standards, Federal Regulations 7 CFR Part 2305.600 through 7 CFR Part 205.605 using the Regulations 7 CFR Part 2305.600 through 7 CFR Part 205.605 using the criteria provided in 7 USC 6517 and 7 USC 6518.

### Organic System Plan

The state of Ohio and (name of company) recognize the importance of the individualized Organic System Plan (OSP) to the organic certification process. (company) will work with the Landowner or Tenant, the Landowner or Tenant's Certifying Agent, and/or a mutually acceptable third-party Organic consultant to identify site specific construction practices that will minimize the potential for Decertification of land or animals as a result of construction activities. Possible practices may include, but are not limited to: equipment cleaning, use of drop cloths during welding and coating activities; removal and storage of topsoil; planting a deep-rooted cover crop in lieu of mechanical decompaction; applications of composted manure or rock phosphate; preventing the introduction of disease vectors from tobacco use; restoration and replacement of beneficial bird and insect habitat; maintenance of organic buffer zones; use of organic seeds for any cover crop; scheduling construction activities around the constraints of the growing or grazing season; or similar measures. (company) recognizes that Organic System Plans are proprietary in nature and will respect the need for confidentiality.

### Prohibited Substances

(company) will avoid the application of prohibited substances onto Organic Agricultural Land. No herbicides, pesticides, fertilizers or seed will be applied unless requested and approved by the landowner. Likewise, no refueling, fuel or lubricant storage or routine equipment maintenance will be allowed on Organic Agricultural Land. Equipment will be checked prior to entry to make sure that fuel, hydraulic and lubrication systems are in good working order before working on Organic Agricultural Land. If prohibited substances are used on land adjacent to Organic Agricultural Land, these substances will be used in such a way as to prevent them from entering Organic Agricultural Land.

### Soil Handling

1 8 2016

# COMPANIES AND ORGANIZATIONS

## CO1 – Ohio Ecological Food and Farm Association (cont’d)

20160223-0018 FERC PDF (Unofficial) 02/22/2016

CO1-2  
cont'd

Topsoil and subsoil layers that are removed during construction on Organic Agricultural Land will be stored separately and replaced in the proper sequence after the pipeline is installed. Unless otherwise specified in the site specific plan, (company) will not use this soil for other purposes, including creating access ramps at road crossings. No topsoil or subsoil (other than incidental amounts) may be removed from Organic Agricultural Land. Likewise, Organic Agricultural Land will not be used for storage of soil from non-Organic Agricultural Land.

### Erosion Control

On Organic Agricultural Land, (company) will, to the extent feasible, implement erosion control methods consistent with the Landowner or Tenant's Organic System Plan. On land adjacent to Organic Agricultural Land, (company's) erosion control procedures will be designed so that sediment from adjacent non-Organic Agricultural Land will not flow along the right-of-way and be deposited on Organic Agricultural Land. Treated lumber, non-organic hay bales, non-approved metal fence posts, etc. will not be used in erosion control on Organic Agricultural Land.

### Water in Trenches

During construction (company) will leave an earthen plug in the trench at the boundary of Organic Agricultural Land to prevent trench water from adjacent land from flowing into the trench on Organic Agricultural Land. Likewise, (company) will not allow trench water from adjacent land to be pumped onto Organic Agricultural Land.

### Weed Control

On Organic Agricultural Land, (company) will, to the extent feasible, implement weed control measures consistent with the Landowner or Tenant's Organic System Plan. Prohibited substances will not be used in weed control on Organic Agricultural Land. In addition, (company) will not use prohibited substances in weed control on land adjacent to Organic Agricultural Land in such a way as to allow these materials to drift onto Organic Agricultural Land.

### Mitigation of Natural Resource Impacts

(company) will not use Organic Agricultural Land for the purpose of required compensatory mitigation of impacts to natural resources such as wetlands or woodlands unless approved by the Landowner.

### Monitoring

In addition to the responsibilities of the Agricultural Monitor described in the AIMP, the following will apply:

- The Agricultural Monitor or a USDA-approved Organic Certifier retained by (company) will monitor construction and restoration activities on Organic Agricultural Land for compliance with

1 8 2016

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Appendix T

# COMPANIES AND ORGANIZATIONS

## CO1 – Ohio Ecological Food and Farm Association (cont'd)

Appendix T

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CO1-2  
cont'd

the provisions of this appendix and will document activities that could result in decertification of land or animals.

- Instances of potential non-compliance will be documented according to Independent Organic Inspectors Association protocol consistent with the Landowner's OSP, and will be made available to the ODA, the Landowner, the Tenant, the Landowner's or Tenant's Certifying agent, and to (company).

If the Agricultural Monitor is responsible for monitoring activities on Organic Agricultural Land, he/she will be trained at (company's) expense, in organic inspection, by the Independent Organic Inspectors Association, unless the Agricultural Monitor received such training during the previous three years.

### Compensation for Construction Damages

For crops (including pasture) and products from crops (such as livestock feed, maple syrup, or other value-added products) the settlement of damages will be based on crop yield and/or crop quality determination and the need for additional restoration measures. Unless the Landowner or Tenant of Organic Agricultural Land and company agree otherwise, at the company's expense, a mutually agreed upon professional agronomist will make crop yield determinations, and the Ohio State University (OFFER program) will make crop quality determinations. Because organic animals are required to eat organic feed and derive 30% dry matter intake from grazing during the grazing season, organic pastureland consumed by a construction site may also qualify as damages. Producers may be required to pasture animals on others' organic land or buy in additional hay to supplement pasture. If the crop yield and/or crop quality determinations indicate the need for soil testing, the testing will be conducted by a commercial laboratory that is properly certified to conduct the necessary tests and is mutually agreeable to (company) and Landowner or Tenant. Field work for soil testing will be conducted by a professional soil scientist or professional engineer licensed by the state of Ohio. (company) will be responsible for the cost of sampling, testing and additional restoration activities, if needed.

For livestock products, such as milk, the settlement of damages will be based on product yield (quantity of milk) and/or quality (including considerations of Somatic Cell Count), and the need for additional restoration measures (such as the replacement of watering troughs, cow lanes, or shelter structures). Unless the Landowner or Tenant of Organic Agricultural Land and company agree otherwise, at the company's expense, a mutually agreed upon professional livestock professional will make product yield determinations, and the Ohio State University (OSU Preventive Veterinary Medicine) determinations regarding animal health. If the yield or animal health determinations indicate the need for testing, the testing will be conducted by a commercial or university laboratory that is properly certified to conduct the necessary tests and is mutually agreeable to (company) and Landowner or Tenant. Any contact with animals will be conducted by an agricultural professional or qualified animal scientist. (company) will be responsible for the cost of sampling, testing, and additional health restoration activities, if needed.

Landowner or Tenants may elect to settle damages with (company) on a mutually agreeable determination of actual damages.

1 8 2016

COMPANIES AND ORGANIZATIONS

CO1 – Ohio Ecological Food and Farm Association (cont’d)

20160223-0018 FERC PDF (Unofficial) 02/22/2016

CO1-2  
cont'd

Compensation for Damages Due to Decertification

Should any portion of the Organic Agricultural Land or Animals be decertified as a result of construction activities, the settlement of damages will be based on the difference between revenue generated from the land or animals affected before decertification and after decertification for a period of time necessary to bring the land back into certification or replace decertified animals, so long as a good faith effort is made by the Landowner or Tenant to regain certification.

1 8 2016

COMPANIES AND ORGANIZATIONS  
CO2 – Goldman & Braunstein, LLP

Appendix T

T-94

20160309-5014 FERC PDF (Unofficial) 3/8/2016 5:41:01 PM

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Rover Pipeline, LLC )  
 ) Docket No. CP15-93-000  
 )

MOTION FOR PRODUCTION OF  
LANDOWNER-CLIENT INFORMATION  
AND TO SUPPLEMENT CLIENT LIST  
OF  
GOLDMAN & BRAUNSTEIN, LLP

CO2-1

I. Introduction

Goldman & Braunstein, LLP (“Goldman & Braunstein”), hereby moves this Federal Energy Regulatory Commission (“Commission”) to produce certain information which is contained, in part, in the Draft Environmental Impact Statement (“DEIS”) issued by this Commission on February 19, 2016, and which pertains to Goldman & Braunstein’s landowner clients.

Additionally, Goldman & Braunstein hereby moves to supplement its list of landowner clients represented by Goldman & Braunstein in this proceeding, and on whose behalf Goldman & Braunstein has previously moved to intervene.

II. Background

On March 3, 2015 Goldman & Braunstein moved, pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure (18 C.F.R. §§ 385.212 and 385.214), to intervene in the above-captioned proceeding on behalf of the numerous landowners it represents and who are affected by Energy Transfer Partners, L.P.’s / Rover Pipeline LLC’s (“Applicant”) “ET Rover” pipeline project (“Rover”). With its motion, and pursuant to 18 C.F.R. § 388.112,

CO2-1

The commentors’ submittal is noted.



COMPANIES AND ORGANIZATIONS

CO2 – Goldman & Braunstein, LLP (cont’d)

20160309-5014 FERC PDF (Unofficial) 3/8/2016 5:41:01 PM

CO2-1  
cont'd

Goldman & Braunstein filed, under privilege, its list of affected landowners Goldman & Braunstein represents in this proceeding. Goldman & Braunstein filed an update to that client list on August 7, 2015. In the 7 months since that filing, Goldman & Braunstein has come to represent numerous additional landowners who are affected by the Rover project, and, like those landowners previously named, have significant interests at stake in this proceeding.

Accordingly, and for the same reasons stated in its Motion to Intervene, Goldman & Braunstein hereby submits its entire client list in this proceeding, (attached **Exhibit A**, PRIVILEGED AND CONFIDENTIAL, and fully incorporated herein by reference), to be included with those landowners previously named in Goldman & Braunstein’s March 3, 2015 Motion to Intervene.

Additionally, Goldman & Braunstein has provided the identities of each of the persons on the attached list to Applicant’s legal representative:

(1) **Greg D. Brunton, Esq.**  
Reminger Co., L.P.A.  
65 East State Street, 4<sup>th</sup> Floor  
Columbus, OH 43215-4227

III. Requested Information

CO2-2

Appendix I-1 to the DEIS, “Status of Route Deviations Reported by Stakeholders,” as issued on FERC Docket No. CP15-93-000, does not disclose the identities of the affected Stakeholders. Goldman & Braunstein hereby requests that the Commission provide to Goldman & Braunstein Appendix I-1 to the DEIS, which includes the identities of each Stakeholder whose land is referred to in the Appendix and who is also a client of Goldman & Braunstein’s. This will better enable those landowners and their counsel to assess the impacts of the Rover project on those properties.

CO2-2

Due to a printing error, appendix I in the draft EIS was incorrect. On February 26, 2016 the FERC issued a correction to the draft EIS that included a correct appendix I, which includes the landowner name and/or parcel number.

# COMPANIES AND ORGANIZATIONS

## CO2 – Goldman & Braunstein, LLP (cont'd)

Appendix T

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CO2-2  
cont'd

Additionally, Goldman & Braunstein requests that the information requested be provided at the Commission's earliest convenience in light of the April 11, 2016 DEIS stakeholder comment deadline.

#### IV. Conclusion

For the foregoing reasons, Goldman & Braunstein hereby moves this Commission to supplement Goldman & Braunstein's list of landowner-clients and to provide Goldman & Braunstein Appendix I-1 to the DEIS, which includes the identities of each Stakeholder who is listed in the Appendix and who is also a client of Goldman & Braunstein's no later than March 19, 2016.

Respectfully submitted,

/s/ Clinton P. Stahler

Michael Braunstein

Clinton P. Stahler

Matthew L. Strayer

GOLDMAN & BRAUNSTEIN, LLP

500 South Front Street, Suite 1200

Columbus, OH 43215

Telephone: (614) 229-4540

Fax: (614) 229-4568

Email: [Braunstein@GBlegal.net](mailto:braunstein@GBlegal.net)

[Stahler@GBlegal.net](mailto:Stahler@GBlegal.net)

[Strayer@GBlegal.net](mailto:Strayer@GBlegal.net)

*Counsel for the Ohio landowners listed in Exhibit A*

Dated: March 8, 2016

COMPANIES AND ORGANIZATIONS

CO2 – Goldman & Braunstein, LLP (cont’d)

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CERTIFICATE OF SERVICE

CO2-2  
cont'd

I hereby certify that I have served the foregoing document upon each person designated  
on the official service list compiled by the Secretary in this proceeding.

Dated this 8<sup>th</sup> day of March, 2016.

/s/ Clinton P. Stahler  
Clinton P. Stahler  
GOLDMAN & BRAUNSTEIN, LLP  
500 South Front Street, Suite 1200  
Columbus, OH 43215  
Telephone:(614) 229-4540  
Fax: (614) 229-4568  
Email: [Braunstein@GBlegal.net](mailto:braunstein@GBlegal.net)  
[Goldman@GBlegal.net](mailto:Goldman@GBlegal.net)  
[Stahler@GBlegal.net](mailto:Stahler@GBlegal.net)

*Counsel for the Ohio landowners listed in Exhibit A*

COMPANIES AND ORGANIZATIONS

CO2 – Goldman & Braunstein, LLP (cont’d)

Appendix T

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Exhibit A

PRIVILEGED

EXHIBIT A  
COVER SHEET

CO2-3

Goldman & Braunstein, LLP

List of Goldman & Braunstein landowner clients affected by the Rover pipeline project, Docket No. CP15-93-000 is designated as **Privileged Information** pursuant to 18 C.F.R. § 388.112.

DO NOT RELEASE

5

CO2-3

The commentors’ submittal is noted.

COMPANIES AND ORGANIZATIONS

CO3 – FreshWater Accountability Project

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: CP15-93-000, CP15-94-000, and CP15-96-000

Dear Secretary Bose:

CO3-1 The FreshWater Accountability Project (FWAP) submits the following comments for your review regarding the Rover Pipeline Project’s Draft EIS. We ask that you carefully consider the many negative effects that come inherent with this proposed project. FWAP urges you to consider the alternative of “no action.” The evidence demonstrates how disastrous this project will be on the human environment now and for years to come.

CO3-2 On a macro scale, this pipeline is simply bad for Ohio and the United States. After the recent Paris Agreement, it makes little sense to sanction the continued building of fossil-fuel related infrastructure. The US EPA has recently asked FERC to consider the effect that natural gas projects will have on greenhouse gas emissions.<sup>1</sup> A newly published Sierra Club report finds that greenhouse gas pollution from the Atlantic Coast and Mountain Valley pipelines would be almost twice the total climate-changing emissions from existing power plants and other stationary sources in Virginia.<sup>2</sup> This study mirrors the projected effects here in Ohio and would, without question, have a significant detrimental impact on the human environment.

CO3-3 Moreover, the financial health of the shale gas industry is very questionable. Many companies’ stocks have fallen and some have even declared bankruptcy.<sup>3</sup> This is due to many factors, including a hike in international oversupply, public opposition, and the belief that the number of existing and proposed pipelines are too numerous.<sup>4</sup> This goes hand in hand with the projection that shale production is already at or passed its peak.<sup>5</sup> Allowing the Rover Pipeline Project, with its compressor stations, to be built is an extremely risky venture. Building this infrastructure just to abandon it in only a few short years is not only bad business, but stands to harm communities who will have to deal with a crumbling, outdated, and toxic problem for years. A company and industry in financial crises is in no position to be counted on to complete the work, perform ordinary maintenance, or respond to spills, releases, or explosions. Again, this will have a tremendous effect on the environment and a finding of “no action” ought to be strongly considered.

<sup>1</sup> <http://www.naturalgasintel.com/articles/105081-ferc-should-review-indirect-impacts-ghg-emissions-of-natgas-projects-epa-says>.  
<sup>2</sup> [http://sierraclub.org/sites/www.sierraclub.org/files/sce/virginia-chapter/documents/GHG%20Emissions%20Associated%20with%20Proposed%20Natural%20Gas%20Transmission%20Lines%20in%20Virginia\\_Final--edit5%20\(1\).pdf](http://sierraclub.org/sites/www.sierraclub.org/files/sce/virginia-chapter/documents/GHG%20Emissions%20Associated%20with%20Proposed%20Natural%20Gas%20Transmission%20Lines%20in%20Virginia_Final--edit5%20(1).pdf)  
<sup>3</sup> <http://www.wsj.com/articles/fracking-firms-that-drove-oil-boom-struggle-to-survive-1443053791>  
<sup>4</sup> <http://www.economist.com/news/business/21679452-overhyped-business-model-heading-trouble-running-empty>  
<sup>5</sup> <https://oilandgas-investments.com/2015/natural-gas/the-marcellus-is-close-to-peak-production-and-why-this-is-so-important/>

CO3-1 The commentor’s statement supporting the no-action alternative is noted.

CO3-2 Section 4.11.1.3 discusses GHG emissions from construction and operation of the Projects.

CO3-3 The viability and financial stability of the applicants and associated companies is not within the scope of the environmental review. The Commission makes the determination of whether a project is in the public convenience and necessity. This evaluation and subsequent decision is based on many factors, including the final EIS and associated recommendations, market analysis, ensuring just and reasonable rates, and engineering analyses. This determination has not been made at this time.

# COMPANIES AND ORGANIZATIONS

## CO3 – FreshWater Accountability Project (cont’d)

Appendix T

T-100

CO3-4	<p>The Draft EIS determined that there are 16 endangered or threatened species that may be affected by the construction of Rover. It also determined that “55 residences” are within 50 feet of the proposed work areas. FWAP would like to further details about this information as it pertains to the location of compressor stations. These stations are incredibly hazardous to human and animal health. They emit criteria pollutants such as particulate matter and nitrous oxides, which have documented health effects such as stillbirth, COPD, and heart problems.<sup>6</sup> Compressor Stations also spew carcinogens like benzene, formaldehyde, and radon.<sup>7</sup> A more detailed consideration of “no action” should be exhausted in light of the grave dangers surrounding these facilities.</p>	CO3-4	As discussed in section 4.11.1.3 and listed in table 4.11.1-14, the proposed compressor stations would not exceed the National Ambient Air Quality Standards (NAAQS) for criteria pollutants which are protective of human health and public welfare for the listed pollutants. Section 4.11.1.2 of the EIS discloses the maximum quantity of both any individual hazardous air pollutant (e.g., formaldehyde and benzene) as well as the total sum of hazardous air pollutants. Section 4.11.1.3 also discusses radon from compressor stations.
CO3-5	<p>Ancillary to the environmental effects, the burden of monitoring and safety fall heavily on local governments. If a fire, explosion, leak, or spill occur, local fire departments are responsible for responding to the incident. This means turning attention away from other emergencies in their jurisdiction. It also means that they would need to have specialized training for such incidents and possibly purchase necessary equipment. This is all done on their own with little or no assistance from the companies that constructed the pipeline. The current methane leak in California should be a serious lesson. Does this aspect not go hand in hand when accessing the effects on the “human environment?” If real alternatives to pipeline construction were actually thought through, this would have to be considered.</p>	CO3-5	Table 4.9.3-1 of the EIS provides a summary of the number of fire departments, police departments, schools, and hospitals in the Project areas. Section 4.12.1 of the EIS identifies that Rover must establish an emergency plan that includes making personnel, equipment, tools, and materials available in an emergency.
CO3-6	<p>The Draft EIS states that the “no action” or the “use of existing pipeline systems” approaches are not adequate alternatives to the proposed project. We vehemently disagree. The Rover Pipeline Project is unnecessary because the supply of oil and natural gas extracted and transported from the Marcellus and Utica formations have been adequate thus far and, as analysts surmise, said supply is diminishing. Furthermore, the market is currently oversupplied with a flood of domestic and foreign sources as evidenced by low fuel prices.<sup>8</sup> Why now should we build pipelines that will be obsolete in the near future? It seems that this strategy is very shortsighted and certainly in the interest of only the companies that stand to profit.</p>	CO3-6	As described in Section 1.1 of the EIS, the applicants developed the Projects in response to customers’ demands and then filed applications with the FERC for authorization to construct and operate the proposed facilities. The EIS is limited to assessing the potential environmental impacts of the proposed Projects and an appropriate range of alternatives. Although the EIS does consider whether alternative actions might meet the customers’ demands, the EIS does not consider or reach a conclusion on whether there is a need for the proposed Projects. Council on Environmental Quality (CEQ) regulations 40 CFR 1502.13 implementing NEPA requires that an EIS “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” In other words, the EIS states the purpose of and need for a proposed project in order to define the range of alternative actions that the agency can legitimately consider. The determination of whether there is a “need” for the proposed facilities for the purpose of issuing an authorization under Section 7 of the Natural Gas Act (NGA) will be made in the subsequent Commission Order granting or denying the applicants’ request for Certificate authorization and is based on a balancing of the benefits of the projects against any adverse impacts.
CO3-7	<p>It is clear from the Draft EIS that this project will be a major undertaking and have a significant environmental effect. One must look no further than at the permits-required section of the proposal. A finding of “no action” deserves a harder look. This project should not be green-lighted simply because of some arbitrary determination that we need to drill and transport more fossil fuels. To the contrary, building Rover is against our national and global policy. The finding of “limited adverse environmental effect” is clearly arbitrary and completely wrong.</p>		<p>The Commission makes the determination for whether a project is in the public convenience and necessity. This evaluation and subsequent decision is based on many factors, including the final EIS and associated recommendations, market analysis, ensuring just and reasonable rates, and engineering analyses. The Commission considers the local, regional, and national benefits of each project against any adverse impacts. This determination has not been made at this time.</p>

<sup>6</sup> Dr. Curtis Nordgaard, *Potential health risks from “natural” (fracked) gas pipelines*, available at: <https://vimeo.com/147678648>.

<sup>7</sup> Compendium Of Scientific, Medical, And Media Findings Demonstrating Risks And Harms Of Fracking (Unconventional Gas And Oil Extraction) (July 10, 2014) at 5, available at <http://concernedhealthyny.org/wp-content/uploads/2014/07/CHPNY-Fracking-Compendium.pdf> (“Unsafe levels of radon and its decay products in natural gas produced from the Marcellus Shale, known to have particularly high radon content, may also contaminate pipelines and compressor stations, as well as pose risks to end-users when allowed to travel into homes.”). See also Guidelines for the management of naturally occurring radioactive material (NORM) in the oil & gas industry. International Association of Oil & Gas Producers, Report No. 412, September 2008, available at <http://www.ogp.org.uk/pubs/412.pdf>.

<sup>8</sup> <http://www.cnbc.com/2016/02/25/at-30-oil-price-shale-rebound-may-take-much-much-longer.html>

COMPANIES AND ORGANIZATIONS

CO3 – FreshWater Accountability Project (cont’d)

CO3-7  
cont'd

Rover will have a colossal effect on the human environment and a “no action” alternative needs to be realistically considered instead of being capriciously shot down because “the stated objectives of the applicants’ proposals would not be met.”

Respectfully submitted,

Jensen Silvis  
Legal Counsel  
FreshWater Accountability Project

CO3-7      The commentor’s statement about our findings are noted. Detailed discussions for the resources and issues and the basis for our conclusions (including resources on which would incur adverse or significant impacts) are contained in section 4.0 of the EIS.

# COMPANIES AND ORGANIZATIONS

## CO4 – Ohio Ecological Food and Farm Association

Appendix T

T-102

20160315-5114 FERC PDF (Unofficial) 3/15/2016 3:14:19 PM



Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426  
Re: Rover Pipeline LLC  
Docket No. CP15-93-000

March 15, 2016

Dear Ms. Bose:

The Ohio Ecological Food and Farm Association submitted written comments to the Federal Energy Regulatory Commission and Kelly Allen, Regulatory Affairs Manager for the ET Rover project on December 15th and 16th of 2015 and again on February 8th, 2016 regarding an organic farm on the Rover route and suggested mitigation measures for organic farms.

The previous draft EIS directed ET to identify organic and specialty crop producers along the route and any mitigation measures for those farms. That was not done in the previous draft EIS and despite repeated notification, has not been done in FERC EIS 0267D released February 22nd. We hope that this oversight will be rectified soon. Mr. Yoder is reaching out in good faith with both FERC and the ET Company and those efforts have met with silence.

Ohio is in the top ten of states nationally in the number of organic farms. The organic sector is growing at approximately ten percent each year and is a critical part of the solution to feed a growing population, sequester carbon to offset climate change impacts such as those created by the energy sector and provide many other health and environmental benefits.

The environmental and economic impacts of the ET Rover pipeline to Mr. Yoder's organic, rotational grazing dairy will be significant. Loss of organic certification for a small organic dairy would mean economic ruin. Please do not let his farm and any other - as yet unidentified organic farms- be permanently removed from organic certification and be put out of business due to oversight and inattention.

Also, please know that we will continue to give this matter the full attention it deserves until organic farms are identified as directed and either rerouting or organic agriculture impact mitigation planning is implemented.

Thank you,

Amalie Lipstreu  
Policy Program Coordinator  
Ohio Ecological Food and Farm Association

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CO4-1

See the response to comment CO1-1 regarding Mr. Yoder's farm.  
See the response to CO1-2 regarding impacts on organic farms.



# COMPANIES AND ORGANIZATIONS

## CO5 – Thornburg and Bean

CP15-93

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**ORIGINAL**

GEORGE THORNBURG (1879-1971)  
CARTER THORNBURG (1908-1979)  
AUSTIN C. FURBEE (1904-1973)

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COMMISSION  
2016 MAR 21 P 3:21  
FEDERAL ENERGY  
REGULATORY COMMISSION

March 15, 2016

Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

In re: Offer to Acquire Easements-ROVER  
Tract #: ROVER-OH-MO-SCL-008.000 Monroe County, OH  
**Mr. & Mrs. Stephen Rubel**

Dear Sir or Madam:

We are writing this letter to show our concern about where Rover is proposing to put their 42" gas line through our property in Seneca Township in Monroe County, Ohio.

We have 2 requests that show a deep concern with this, to-wit:

CO5-1

CO5-2

1. The depth of said pipeline. They are crossing under 3 gravel roads and 2 grass roads which are used to take heavy equipment across. They are going under 1 water line, 3 gas lines and though 1 septic system. All these things are at least 3 feet deep. These must have 5 foot of cover for the safety of the landowner as well as the safe crossing of the roads and maintaining said lines. The last pipeline that crossed this property knew of my concern and they put 5 feet of cover over the entire 36" line. Rover will also be crossing under 6 fences that have fence posts that are 3 feet in the ground. This is another reason there would need to be 5 feet of cover of their pipe.

2. The location of said pipeline. They are veering away from the existing Spectra line and, in doing so, they are going through a spring, right below the damn of a pond destroying its integrity, and then going through yet another spring to get where they want to go. They would also be going to within 20 feet of the location of a cabin that is in the process of being built. If they would just continue another 400 feet along the Spectra line, then veer off, they would miss all that and it would not cost them any more pipe. Mark Zaccaro, Lead Right of Way Representative, was on the property February 17, 2016 and could see no reason why this

CO5-1 As identified in section 4.12.1, the DOT establishes a minimum depth of cover dependent on soil conditions and construction under roads and railroads. In Rover's Plan and its AIMP, landowners can negotiate additional mitigation measures as part of the easement negotiations.

CO5-2 We have evaluated the requested route variation on the parcel referenced. Our analysis and conclusions are presented in table 3.4.3-3 of the EIS. Based on our analysis, we determined that the proposed route is acceptable and we are not recommending a reroute through this parcel.

COMPANIES AND ORGANIZATIONS

CO5 – Thornburg and Bean (cont’d)

Appendix T

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THORNBURG & BEAN

CO5-2  
(cont'd)

could not be done. Also, by going there, it would give Columbia Gas space for their 36" line. If Rover places its line where they are proposing, there will be no feasible place for Columbia's line.

Thank you.

Very truly yours,  
*Charles H. Bean*  
CHARLES H. BEAN,  
Attorney for Stephen and  
Dale Rubel

CHB/hdw

# COMPANIES AND ORGANIZATIONS

## CO6 – Michigan Chemistry Council

20160324-5050 FERC PDF (Unofficial) 3/24/2016 9:27:36 AM



Date: March 23, 2016

Testimony of John Dulmes, Executive Director of the Michigan Chemistry Council, regarding the Rover Pipeline Project.

Docket No. CP 15-93-000

Good evening. My name is John Dulmes, and I'm the Executive Director of the Michigan Chemistry Council, the voice of the chemistry industry in Michigan. Chemistry is our state's third-largest manufacturing sector, and our companies support nearly 120,000 Michigan jobs and generate \$127 million in state and local taxes. 96% of all manufactured goods are directly touched by the business of chemistry, making our industry essential to every facet of Michigan's economy.

The Michigan Chemistry Council its members support the expansion of domestic energy production, and we encourage the development of safe and reliable energy infrastructure, including the Rover Natural Gas Pipeline. FERC's release of the draft Environmental Impact Statement is a step in the right direction toward final approval of this important project and we applaud the agency for its careful review.

In reviewing the plans for the Rover Pipeline and the draft EIS, we believe that there has been a comprehensive assessment of both the many benefits that this project will bring, and also the necessary work that will be done to mitigate impacts to the environment and our communities. Energy Transfer Partners, the company proposing the pipeline, estimates that this pipeline and its initial \$4.2 billion investment will produce 10,000 construction jobs – including 1,500 positions in Michigan.

In addition, Energy Transfer Partners has adopted a strong "Buy American" policy for this project and claims that about 76 percent of the Rover Pipeline will be made in the U.S. Overall, the majority of the equipment and greater than \$1 billion in goods will be purchased from U.S. manufacturers, including businesses here in Michigan.

We've also been impressed with Energy Transfer's transparency and openness. The Rover team has conducted hundreds of meetings along the route with farm groups, community leaders, business associations and landowners. The Rover team has shared with us that they have consulted with state agricultural agencies, independent consultants, land improvement and drainage tile contractors, and landowners to develop plans for repair of drainage tile

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Mission: Represent our members to influence policies that promote and grow a safe, environmentally responsible, and economically viable chemical industry in Michigan.

CO6-1

The commentor's support of the Project is noted.

T-105

Appendix T

COMPANIES AND ORGANIZATIONS

CO6 – Michigan Chemistry Council (cont’d)

Appendix T

T-106

20160324-5050 FERC PDF (Unofficial) 3/24/2016 9:27:36 AM	
CO6-1 cont'd	systems that will be affected by construction. I have every reason to believe they will continue to share these plans with the agency and any interested party.
CO6-2	<p>With that in mind, we would be supportive of reducing some of the quarterly progress reports that were recommended in the draft EIS. We think that these reporting requirements wouldn't be necessary, given the level of communications we've already seen with this project.</p> <p>In conclusion, the continued development of Michigan's chemical manufacturers depends on growing our natural gas infrastructure to transport natural gas resources safely and efficiently from their source to market. The Rover Pipeline is an important step in developing our energy infrastructure, and should be built without delay.</p>

CO6-2

We disagree with the level of openness and transparency of the applicant referenced by the commentor. Quarterly reporting is a requirement of the FERC's Plan and is necessary to ensure a high-level success of restoration, particularly for projects with thousands of acres of land disturbance.

# COMPANIES AND ORGANIZATIONS

## CO7 – GMEC Environmental Consulting

### GMEC ENVIRONMENTAL CONSULTING



DATE 3.23.16

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E.  
Washington, D.C. 20426

RE: Rover Pipeline LLC  
FERC Docket No. CP 15-93-000  
Letter to the File

Dear Ms. Bose,

CO7-1

Thank you for the opportunity to provide my input on the Rover pipeline project. I am a retired federal employee who spent over 27 years in federal service. I am a former Special Agent with the United States Fish and Wildlife Service (USFWS), and served as the Deputy Chief for the USFWS Office of Law Enforcement. In this capacity I supervised the USFWS national law enforcement program. I have been retired for over three years and represent only myself at this public meeting. I am now working in the private sector as a consultant assisting companies throughout the United States comply with federal environmental laws.

After thoroughly reviewing the Rover pipeline project's draft Environmental Impact Statement, I conclude that Rover's migratory bird impact mitigation plan completely satisfies the requirements set out by the Federal Energy Regulatory Commission (FERC). It also is in compliance with all the provisions of the Migratory Bird Treaty Act (MBTA) and its implementing regulations. I have reviewed Rover's impact mitigation plans, and conclude that the company has also sufficiently addressed all state and local regulations regarding any potential impacts to migratory birds.

CO7-2

That said, I am contacting you to express my concerns regarding the USFWS and its attempt to misuse its federal authority to unlawfully coerce unnecessary mitigation payments from pipeline companies throughout the country each year. FERC may be unknowingly facilitating the USFWS's improper requests for mitigation on behalf of perfectly legal impacts to migratory birds and their habitat. FERC's insistence in this draft Statement that Rover work directly with USFWS to mitigate the project's impacts to migratory bird habitat before FERC clearances can be obtained is allowing the USFWS to unlawfully require mitigation for impacts to migratory birds and their habitat that are perfectly legal!

I assure FERC, the MBTA (16 USC 703) does NOT prohibit modification or destruction of migratory bird habitat. Nor does it prohibit harassment of migratory birds, or destruction of their

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CO7-1

The commentor's statement regarding Rover's Migratory Bird Impact Mitigation Plan is noted.

CO7-2

The FERC and the FWS disagree with the allegations that the FWS is requesting mitigation outside of agency authorities as stated by the commentor. The FWS has provided comments and recommendations to the FERC consistent with the guidelines set by E.O. 13186 and the MOU between the FWS and the FERC. The MOU between the FWS and the FERC outlines a commitment by the FERC to consider impacts on migratory birds and their habitats in any action the FERC may take, to encourage applicants to consider impacts on migratory birds and their habitats, and to require applicants to appropriately mitigate the impacts of their proposed projects on migratory bird habitat. The FERC has the authority to determine reasonable conditions under which to issue certificates by law, under NEPA regulations, and under E.O. 13186 and the MOU. As such, we are recommending in section 4.6.1.5 that Rover file its final Migratory Bird Conservation Plan that includes documentation of its consultation with the FWS regarding avoidance, minimization, and mitigation measures.

# COMPANIES AND ORGANIZATIONS

## CO7 – GMEC Environmental Consulting (cont'd)

Appendix T

T-108

### GMEC ENVIRONMENTAL CONSULTING



CO7-2  
cont'd

nests when viable eggs or young are not present. In addition to my 30 years of experience with the MBTA, this issue has been reviewed by no less than five top environmental attorneys in the country. The unanimous conclusion of this legal review concludes that requests for compensatory mitigation for impacts to migratory birds by the USFWS and FERC are outside congressionally approved authorities and not required by any statute, regulation or executive order. This unethical practice should be investigated by the Office Inspector General (OIG) for both the U.S. Department of Interior and FERC.

The scale of the inappropriately requested payments totals tens of millions of dollars annually. The primary victims of this unethical and unlawful use of federal power are oil and gas pipeline projects. I am currently working with four pipeline companies that are being forced to make mitigation payments not required by any law or regulation. The mitigation payments are being requested by the USFWS for their projects' impacts to migratory bird habitat. If the unnecessary mitigation is not paid, the projects' required USFWS Endangered Species Act clearances or FERC clearances are withheld. Similar practices conducted by private sector criminal enterprises would be investigated under the Racketeer Influenced and Corrupt Organization Act (RICO).

By way of background, the Migratory Bird Treaty Act (16 USC 703) does not protect migratory bird habitat. It only protects migratory birds from direct "take" (killing) or possession of their nests, eggs or parts. It is perfectly legal to modify or destroy migratory bird habitat and you may harass migratory birds as well without violating the MBTA.

Despite this legal fact, the USFWS is requesting millions of dollars of "voluntary" mitigation money from pipeline projects to offset their projects' impacts to migratory birds and their habitat. The problem with these requests is the impacts to the migratory birds and their habitat ARE PERFECTLY LEGAL. Nothing in the MBTA statute or implementing regulations prohibits migratory bird habitat modification, nor impacts to the birds themselves, as long as the birds are not killed. As the former Deputy Chief of the USFWS Law Enforcement program I assure you the construction activity involved in burying pipelines is perfectly legal under the MBTA.

Additionally, no permitting program allowing incidental or direct "take" of migratory birds exists under the MBTA. Consequently, when coercion by the USFWS results in pipeline companies paying millions of dollars in mitigation payments, the pipeline companies do **NOT** receive any kind of permitted "take" authorization or regulatory assurance in return, as none is available under the MBTA.

When the illegality of the migratory bird mitigation requests was brought to the attention of the USFWS field staff, USFWS personnel cited Executive Order 13186, signed by President Clinton in 2001 as the basis for its authority to require compensatory mitigation for habitat modification projected to result from proposed linear pipeline projects.

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# COMPANIES AND ORGANIZATIONS

## CO7 – GMEC Environmental Consulting (cont'd)

### GMEC ENVIRONMENTAL CONSULTING



CO7-2  
cont'd

Executive Order 13186 ("EO") was issued in 2001 and requires **FEDERAL AGENCIES** to protect migratory birds. Specifically, the EO requires a federal agency that takes actions likely to have a negative impact on migratory bird populations to enter into a Memorandum of Understanding ("MOU") with the USFWS to "promote the conservation of migratory bird populations." A copy of the Executive Order is included with this correspondence.

"Action" is defined in the EO as:

[A] program, activity, project, official policy (such as a rule or regulation), or formal plan **directly carried out by a Federal agency**. Each Federal agency will further define what the term "action" means with respect to its own authorities and what programs should be included in the agency-specific [MOU] required by this order. **Actions delegated to or assumed by nonfederal entities, or carried out by nonfederal entities with Federal assistance, are not subject to this order....**

**Importantly, the Executive Order applies only to those actions that are directly carried out by Federal agencies....**

The Federal Energy Regulatory Commission entered into a MOU with the USFWS on 03/30/2011. A copy of the MOU is included with this correspondence. Among other authorities cited in the MOU, the MOU cites Executive Order 13186, the Fish and Wildlife Act of 1956, the Fish and Wildlife Conservation Act of 1980, the Fish and Wildlife Coordination Act of 1980, the Migratory Bird Conservation Act of 1929, the Migratory Bird Treaty Act of 1918, and the National Environmental Policy Act of 1969. None of these federal statutes or the Executive Order require protection of migratory bird habitat and consequently none of these acts or the Executive Order require mitigation for modification to migratory bird habitat. Modification to migratory bird habitat is not prohibited by law, regulation, or executive order. Requesting or requiring mitigation for such modification is inappropriate. It is unlawful when required ESA clearances are withheld until the mitigation is paid.

Nevertheless, in the FERC MOU with the USFWS in Section F(2), FERC states it will ...  
"Require, as appropriate, applicants to mitigate negative impacts on migratory birds and their habitats by proposed actions, in compliance with and/or supporting the intent of the MBTA, Executive Order 13186, BGEPA, ESA, and other applicable statutes."

The ESA requires any federal agency that authorizes, funds or carry out an action that may affect a listed species to consult with the USFWS. The FERC is often an "action agency" for pipeline projects as many pipelines require FERC authorization. Consequently, FERC is required to consult with the USFWS under Section 7 of the ESA. It is during these consultations that the USFWS and FERC ask for "voluntary" mitigation to offset impacts to migratory bird habitat. As previously stated, habitat and other direct impacts are not prohibited by the MBTA, its regulations or any executive order. Thus, mitigation is NOT required. HOWEVER, if a pipeline

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# COMPANIES AND ORGANIZATIONS

## CO7 – GMEC Environmental Consulting (cont'd)

Appendix T

T-110

### GMEC ENVIRONMENTAL CONSULTING



CO7-2  
cont'd

project fails to pay the requested migratory bird mitigation, the project's **required** ESA clearance or FERC authorization will not be issued. In actuality, the USFWS and FERC are committing extortion. In an internal USFWS correspondence dated July 6, 2015, the USFWS states "Developers of projects that are not federally regulated have been willing to mitigate for threatened and endangered species **and migratory birds** when we work cooperatively to help them stay on schedule." Stated another way, if you do not pay the unnecessary mitigation for migratory bird habitat impacts your project will languish.

I, as well as other environmental attorneys, have personally sat in meeting in which USFWS personnel state that failure to pay the requested "voluntary" migratory bird mitigation will change how the USFWS views the project, as well as future projects from that company. The threats are not even veiled. This is overt extortion and represents misuse of a federal position.

This issue has been reviewed by no less than five of the most prominent environmental attorneys in the country, including a former Deputy Assistant Secretary for the Department of the Interior. The unanimous conclusion is the USFWS and FERC are acting outside congressionally approved authorities. In essence, this action equates to circumventing the federal rule making process and implementing new law through misuse of an Executive Order and the resulting MOU between the two agencies. **Requesting "voluntary" mitigation for lawful impacts to migratory birds and their habitat during ESA Section 7 consultations, knowing the project requires USFWS approval or ESA clearance, equates to government extortion. Citing an EO as authority for such actions exemplifies misuse of an EO and justifies the public's concern with the use of EO.**

I highly recommend FERC forward this comment to FERC legal counsel for immediate review. FERC legal counsel should pose the following questions to the USFWS:

The USFWS should be required to answer the following questions regarding this practice:

Is modifying migratory bird habitat without killing birds a violation of the MBTA?

Is it unlawful to harass a migratory bird?

Has there ever been a case brought against any company or individual for destroying migratory bird habitat if birds were not killed?

Does any law or regulation require mitigation for destruction or modification of migratory bird habitat?

Has the USFWS ever required mitigation for modification or destruction of migratory bird habitat?

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# COMPANIES AND ORGANIZATIONS

## CO7 – GMEC Environmental Consulting (cont'd)

### GMEC ENVIRONMENTAL CONSULTING



CO7-2  
cont'd

Does Executive Order 13186 apply to non-federal entities?

Does Executive Order 13186 require non-federal entities to mitigate impacts to migratory bird habitat?

Why is the USFWS citing Executive Order 13186 as its authority to require mitigation payments for impacts to migratory bird habitat?

Why is mitigation requested from pipeline companies whose projects modify migratory bird habitat?

Why is mitigation for impacts to migratory bird habitat requested during ESA Section 7 consultation?

Is it appropriate to discuss impacts to migratory bird habitat and MBTA issues during ESA Section 7 consultations?

Why are USFWS field biologists and supervisors threatening to slow down work on projects that do not make "voluntary" mitigation payments for impacts to migratory bird habitat even though the impacts are perfectly legal?

Does the USFWS find it is appropriate to request "voluntary" mitigation payments for legal impacts to migratory bird habitat while at the same time holding required ESA clearances hostage until such "voluntary" payments are made?

Is the USFWS going to instruct field staff and supervisors to halt the practice of requesting "voluntary" mitigation for lawful migratory bird habitat impacts during ESA Section 7 consultations?

In conclusion, I would reiterate that, according to FERC's draft Environmental Impact Statement, Rover has more than satisfied the Commission's requirements for impacts to migratory birds. Further, as I have outlined above, the attempt to require coordination with the USFWS for perfectly lawful impacts to migratory bird habitat represents a gross overstepping of federal authority and ultimately is not substantiated by any current statute, regulation, or EO. Therefore, I urge you to address this portion of the Environmental Impact Statement and lift this requirement from your recommendations for Rover and all other pipeline projects. In the bigger picture, FERC should halt all requirements that project proponents coordinate with the USFWS on issues involving migratory birds.

*Gary Mowad*  
GARY MOWAD

Home Office: 2900 N. Quinlan Park Road, Suite 240 #134, Austin, Texas 78732 Phone (512) 626-7158  
E-mail: [gmecconsulting@aol.com](mailto:gmecconsulting@aol.com) Website: [gmenvironmentalconsulting.com](http://gmenvironmentalconsulting.com)

T-III

Appendix T

COMPANIES AND ORGANIZATIONS

CO8 – The Ohio Manufacturers’ Association



Testimony of Ryan Augsburger  
Regarding the Rover Pipeline Project  
Docket Number: CP 15-93-000  
Before the  
Federal Energy Regulatory Commission  
Fayette, Ohio  
March 22, 2016

CO8-1 | I appreciate the opportunity to speak with you today about the proposed Rover Pipeline Project. My name is Ryan Augsburger and I am the Vice President and Managing Director of Public Policy Services of the Ohio Manufacturers' Association (OMA). My testimony is on behalf of the OMA.

Access to reliable, affordable energy is a competitive issue for Ohio manufacturers. Combined with electricity, the price of energy has a significant impact on manufacturers' bottom lines. While Ohio manufacturers have made many investments to use energy efficiently, natural gas is a major cost for energy intensive manufacturers. It has also proven to be the most volatile. Before shale gas increased the domestic supply of natural gas, there were moments where the high price of natural gas threatened the survival of some businesses.

The OMA represents over 1,400 manufacturing companies across the state. Ohio manufacturers produce every product you can think of ranging from automotive components to medical equipment to pizza rolls. In aggregate, Ohio ranks among the top few states for manufacturing. The economic output from manufacturing in 2013 reached \$100 billion up from \$87 billion in 2012. Investments in new production are underway that will drive that figure even higher in subsequent years.

As for employment, in 2013, Ohio again ranked 3<sup>rd</sup> nationally in manufacturing employment, with 5.5% of manufacturing jobs nationwide. 663,000 Ohioans are employed in the state's manufacturing sector. Manufacturing leads all industry sectors in payroll (over \$36 billion in 2012) paying an average annual wage of \$55,525. The men and women who work in Ohio manufacturing are among the most skilled and most productive anywhere on the globe.

CO8-1                      The commentor’s support of the Project is noted.

# COMPANIES AND ORGANIZATIONS

## CO8 – The Ohio Manufacturers’ Association (cont’d)

CO8-1  
cont’d

Manufacturing productivity is a competitive advantage to Ohio's economy. Manufacturers in Ohio excel in both product and process innovation. Investments underway in plants across the state will improve productivity while saving energy, minimizing waste, and reducing environmental emissions.

Ohio competes with other states for manufacturing investment. Energy policy and energy infrastructure are both important considerations when companies make investment decisions.

The OMA believes energy policy can enhance – or hinder – Ohio's ability to attract business investment, stimulate economic growth and spur job creation, especially in manufacturing. State and federal energy policies must (a) ensure access to reliable, economical sources of energy, (b) support the development of a diverse energy resource mix, and (c) conserve energy to preserve our natural resources while lowering cost.

The OMA has a long-standing position of support for a modernized energy infrastructure to maximize energy supplies and stabilize energy pricing and reliability. Additionally, the construction of a natural gas pipeline from the Marcellus and Utica shale formations will increase access to gas as a feedstock. Gas is not just a source of energy – it is also a raw material utilized in many manufacturing processes such as chemicals, polymers and fertilizer. Finally, construction and operation of a pipeline will afford manufacturers from the region with expanded market opportunity to bid to supply needed parts, materials and technologies. These will all serve to protect and grow Ohio manufacturing.

Just as energy policy is important for Ohio's competitiveness, so too is sustainable environmental regulation. Manufacturers understand that fair and reasonable regulations on business must be balanced with responsible stewardship of our natural resources. I have reviewed Rover's draft Environmental Impact Statement and noted the developers' commitment to environmental mitigation.

The Rover Pipeline stands to benefit manufacturing in Ohio and throughout the Midwest. Therefore, the OMA encourages the Federal Energy Regulatory Commission to approve the Rover Pipeline project.

Thank you.

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Appendix T

# COMPANIES AND ORGANIZATIONS

CO9 – JJP Worldwide Capital Investments LLC

Appendix T

T-114

## FEDERAL ENERGY REGULATORY COMMISSION

### NATIONAL ENVIRONMENTAL POLICY ACT REVIEW FOR THE

#### ROVER PIPELINE PROJECT, PANHANDLE BACKHAUL PROJECT, TRUNKLINE BACKHAUL PROJECT

DOCKET No. CP15-93-000; CP15-94-000; CP15-96-000; PF14-14-000

#### DEIS COMMENT MEETING COMMENT FORM

Check the box to indicate the meeting you attended:

<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Henry Middle School 7 E 050 Rd Hamler, OH 43524	Fayette High School 400 Gambler Rd Fayette, OH 43521	Chelsea High School 740 N. Freer Rd Chelsea, MI 48118

Comments can be: (1) left at the sign-in table, (2) mailed to the addresses below, or (3) filed electronically by following the instructions provided below.

Please send two copies referenced to Docket No. CP15-93-000; CP15-94-000; and CP15-96-000 to the addresses below.

#### For Official Filing:

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

#### Another copy:

Gas Branch 3, PJ-11.3  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

To expedite receipt and consideration of your comments, the Commission strongly encourages electronic filing of any comments to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Internet web site at [www.ferc.gov](http://www.ferc.gov) under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account, which can be created on-line.

COMMENTS: (Please print; use and attach an additional sheet if necessary)

CO9-1 *My major concerns on the pipeline are the loss of*  
CO9-2 *crop production, lower yields. Drainage of soils*  
CO9-3 *would be drainage. Pipeline could result in the*  
*lowerland value of the farmland.*

Commentor's Name and Mailing Address (Please Print)

*JJP Worldwide Capital Investments LLC*  
*855 Stony Point Ct.*  
*Defiance, OH 43512*

CO9-1

As discussed in section 4.8.4.1, agricultural land would be restored to pre-construction conditions through the measures identified in Rover's AIMP's and its Plan. Additionally, we have recommended that Rover monitor crop productivity in areas impacted by construction for a period of 5 years. If crop yields in restored areas are not similar or greater than those on adjacent croplands, Rover would be required to develop and implement restoration measures in conjunction with appropriate agencies and landowners until restoration is deemed successful.

CO9-2

As stated in section 4.8.4.1, Rover has committed to restore agricultural drainage systems to their original conditions or better, and would continue restoration until systems are fully operational. Additionally, we have recommended that Rover commit to hire local drain tile contractors for all drain tile repairs/installation. We have also recommended that Rover report information on all encountered, severed, or damaged drain tiles to the landowner and local Soil and Water Conservation District for future reference. With implementation of Rover's Construction Mitigation Plan (CMPs) and our recommendation, the EIS concludes that impacts on drainage would be short-term.

CO9-3

Insurance, property value, and mortgages are discussed in sections 4.9.5 and 4.9.6 of the EIS.

# COMPANIES AND ORGANIZATIONS

CO10 – Washington County Chamber of Commerce



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SECRETARY OF THE  
COMMISSION

2016 MAR 21 P 3:18

FEDERAL ENERGY  
REGULATORY COMMISSION

March 15, 2016

ORIGINAL

The Hon. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

**Re: Docket: CP15-93-000, Rover Pipeline, LLC**

Dear Secretary Bose,

CO10-1

As president of the Washington County Chamber of Commerce, I am very familiar with the positive benefits that U.S. energy development has brought to our local businesses and communities. In fact, Washington County is one of the leading energy producing counties in Pennsylvania and our growth and expansion has paralleled that of the oil and gas industry.

We appreciate the opportunity to again add our voice of support to the many others who support the Rover Pipeline, LLC project; which will bring jobs, infrastructure investment and generate tax revenues for our local communities. Natural gas produced in our region brings energy stability across the U.S., which supports economic development opportunities as well.

In addition, we were pleased to note in the Draft Environmental Impact Statement that Rover has designed construction in two recreational trout streams to avoid impacts on recreational angling. Both Kings Creek and Aunt Clara Fork are *Approved Trout Waters* for trout stocking and Rover's careful consideration of these streams will also minimize economic impacts on our tourism industry.

We are pleased to be the starting point of the Rover Pipeline through its Burgettstown Lateral and Burgettstown Compressor Station and look forward to the next step in the project's approval process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff M. Kotula".

Jeff M. Kotula  
President

Southpointe Business Park  
375 Southpointe Boulevard, Suite 240 • Canonsburg, PA 15317 • 724.225.3010

*A partner of the Washington County Tourism Promotion Agency*

CO10-1

The commentor's support of the Project is noted.

T-115

Appendix T

# COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean

Appendix I

T-116

**ORIGINAL**

**THORNBURG & BEAN**

LAW OFFICES  
ESTABLISHED 1911  
THORNBURG-BEAN BUILDING  
P. O. BOX 96  
ST. CLAIRSVILLE, OHIO 43950

CHARLES H. BEAN

GEORGE THORNBURG (1879-1971)  
CARTER THORNBURG (1908-1979)  
AUSTIN C. FURBEE (1904-1973)

TELEPHONE (740) 695-0532  
TELEFAX (740) 695-6039  
EMAIL: cbean\_tbg@wcoglobal.net

March 29, 2016

FILED  
SECRETARY OF THE  
COMMISSION  
2016 APR -14 P 4:04  
FEDERAL ENERGY  
REGULATORY COMMISSION

**Federal Energy Regulatory Commission**  
888 First Street, NE  
Washington, D.C. 20426

In re: Offer to Acquire Easements-ROVER  
Tract #: ROVER-OH-MO-SCL-008.000 Monroe County, OH  
Mr. & Mrs. Stephen Rubel

Dear Sir or Madam:

Please find enclosed photographs of the farm and development of the Mr. & Mrs. Stephen O. Rubel premises identified above.

Accordingly, these photographs are being sent to you along with an objection to ET Rover's manner of negotiating this matter in which the basis of their negotiation is to claim eminent domain.

Accordingly, we would join in the other parties objection to allowing ET Rover to have eminent domain in this matter since the basis of their negotiation is that if you do not sign with them and allow them to install their 42" interstate gas transmission line across your property at a location which they are dictating and which does not coincide with other lines on the property then, in that event, they will install the same by using the power of eminent domain where they chose and you will have no input.

In addition, although they sent numerous letters they do not raise their offer of \$27.00 per linear foot but just keep reciting the same offer. Therefore, please file this objection along with these photographs showing this unique property on the record in the above cited matter.

Thank you.

Very truly yours,  
*Charles H. Bean*  
CHARLES H. BEAN

CO11-1

Easement acquisition and landowner compensation is discussed in section 4.8.2 of the EIS. The FERC is not involved in easement negotiations between a pipeline company and the landowner, nor would the Commission or staff be involved in eminent domain proceedings. A landowner is free to negotiate the terms of an easement agreement with the pipeline company. However, if such negotiations fail and the Project is authorized by the Commission, compensation would be determined by a court of law in eminent domain proceedings. The Commission considers the applicant's need to use eminent domain in its decision on the projects.

COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

THORNBURG & BEAN	
CO11-1 cont'd	CHB/hdw Enclosure
	Cc w/ encl: Mr. and Mrs. Stephen Rubel 29600 State Route 78 Lewisville, OH 43754

T-117

Appendix T

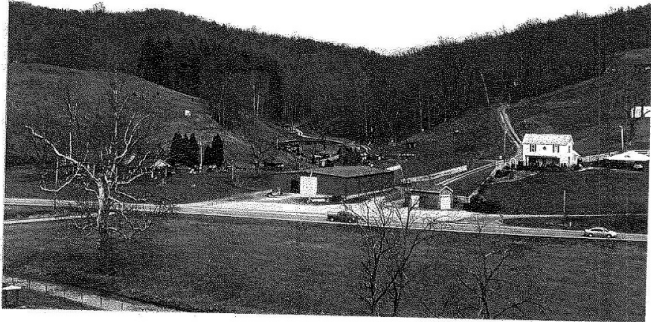
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

T-118

CO11-2



CO11-2

The submittal of photos of structures on the parcel is noted. As listed in appendix P of the EIS, one house on the parcel would be 28.1 feet away from construction workspace and 113 feet from the pipeline centerline. A site-specific residential plan has been developed for the house and is provided in appendix Q. No other structures on the parcel would be within 50 feet of construction workspace and no structures would be permanently impacted by the Project.



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

T-119

Appendix T

CO11-2 cont'd	<p>120 acre farm located at 29600 State Route 78, Lewisville Ohio</p> <p>This property is located on State Route 78, 17 miles from Caldwell and 13 miles from Woodsfield.</p> <p>Landowner has all mineral rights</p> <p>Farm features</p> <ul style="list-style-type: none"><li>*4 homes</li><li>*4 additional living spaces</li><li>*6000 large working garage</li><li>*7,336 square feet of machine/hay storage</li><li>*4 camping locations</li><li>*4 ponds</li><li>*2 creeks run through the property</li><li>*2000 square foot covered entertainment area</li></ul> <p>The main house is 3,200 square feet ranch style home</p> <p>3 bedroom</p> <p>2.5 bath that have been newly remodeled</p> <p>Newly remodeled kitchen</p> <p>All new windows and doors</p> <p>Finished basement</p> <p>Main floor laundry</p> <p>Forced air heat and air conditioning</p> <p>2 gas burning fireplaces</p> <p>Lots of storage</p> <p>Newer roof</p> <p>Two car attached garage 650 Square feet</p> <p>Paved driveway</p> <p>Professional landscaped yard featuring an 8’ x 20’ waterfall, gazebo, back concrete patio, outdoor bathroom</p> <p>1 acre pond featuring a spring feed water wheel, 20 x 20 dock, fully stocked with catfish, bluegill, largemouth bass, and small mouth bass</p> <p>Free gas</p> <p>Spring feed water system</p>
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COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

T-120

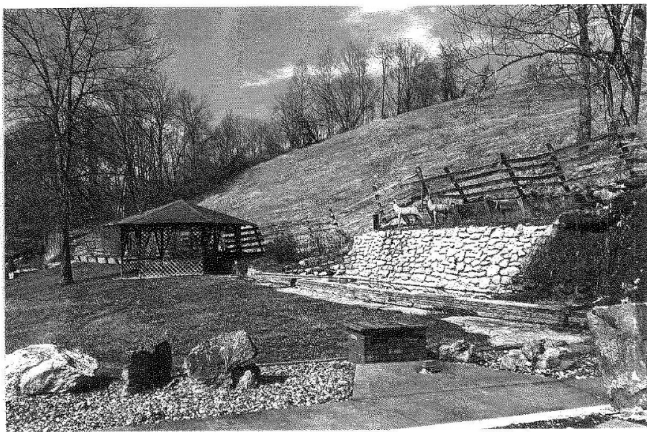
CO11-2  
cont'd



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

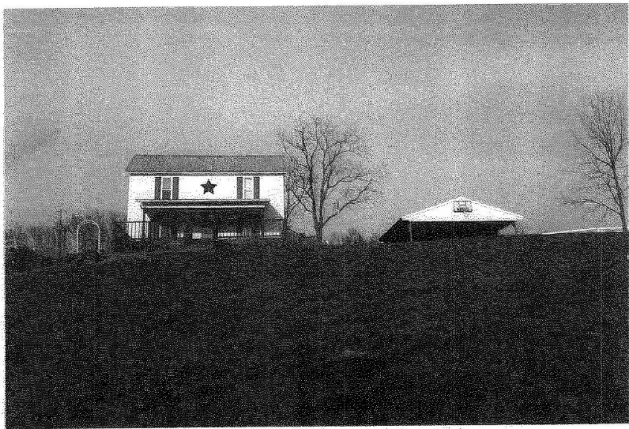
Appendix T

T-122

CO11-2  
cont'd

Chris' House

Built in 1930's with addition added on in 2000  
3 bedroom  
2 full bath  
Newly remodeled kitchen  
2 fireplaces  
2 living room  
Large dining room  
Home office  
Large laundry room  
Cellar  
Covered porch  
2 car carport  
To die for back patio that anyone would love to have at their house  
Professional landscape flowerbeds  
25' waterfall with koi pond  
Paved Driveway



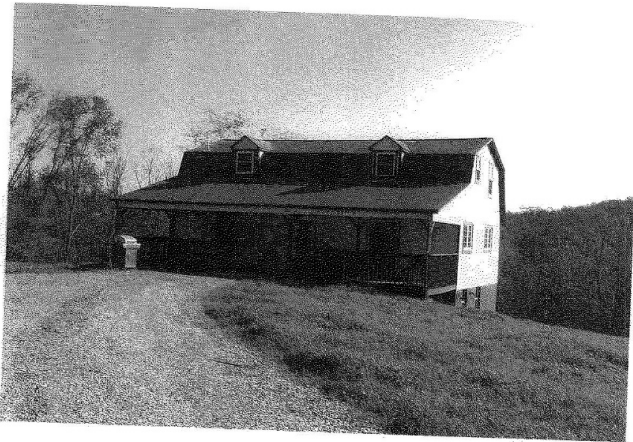
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

Barn House

Structure built in 2000 completed in 2014  
2880 square foot  
Currently being used as a rental income  
5 bedroom  
3 full bathrooms  
3 living areas  
Large kitchen/dining area  
520 square foot covered porch  
Walk out patio



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

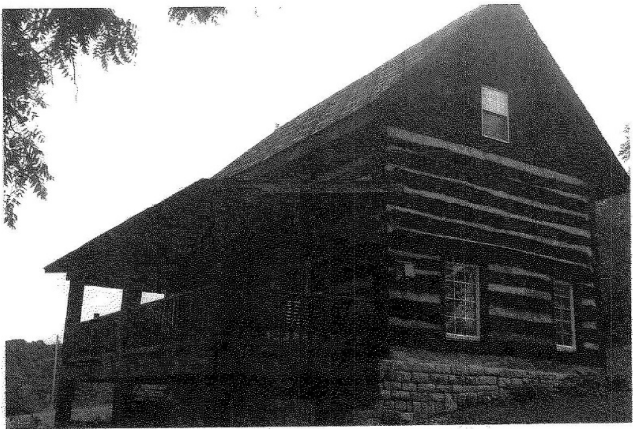
Appendix T

T-124

CO11-2  
cont'd

Log Cabin

Built in the 1800's and relocated to farm in 2005  
2200 square foot completely remodeled  
Fully furnished currently used as a rental income  
2 bedroom  
2 full bath featuring claw foot bathtub and tiled shower  
Large kitchen and living area  
Finished basement  
Washer and dryer  
Porch  
Walk out patio



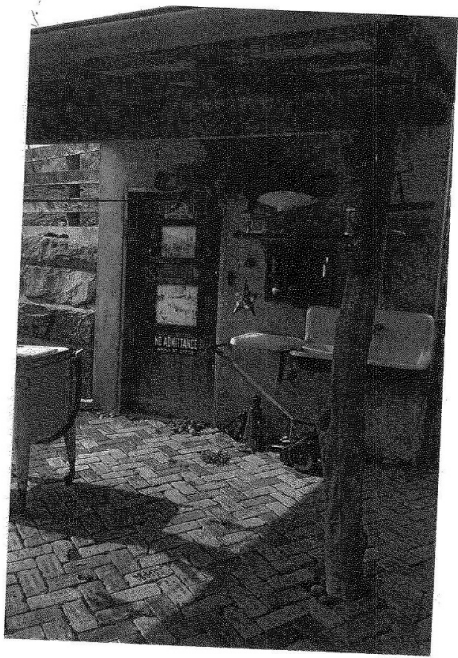
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

Arena

This is nestled behind the main house taking advantage of the cool evening breeze coming from the wooded area behind. It is the perfect place to host a small dinner gathering for a few or 150  
This is used for family reunions, weddings, 4-H events, camping, church picnics, car shows  
580 square foot covered outdoor kitchen  
100 square foot bathroom with shower  
1280 square foot covered setting area  
225 square foot bunk house with King Size bed and loft with two twin beds  
Shooting Range  
1 acre Fenced in arena for horse riding



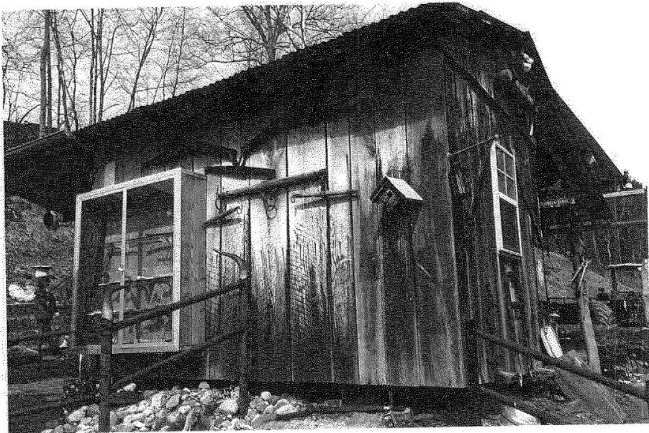
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

T-126

CO11-2  
cont'd

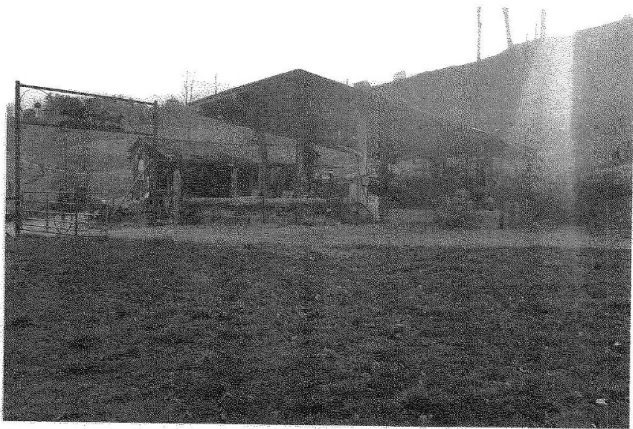




COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont’d



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

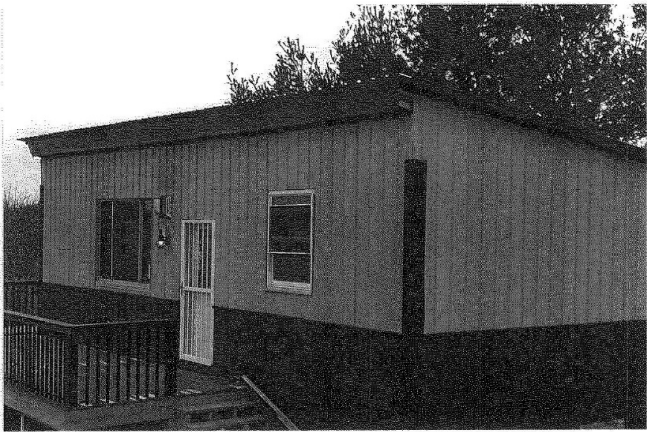
Appendix T

T-128

CO11-2  
cont'd

**New Bunk House**

.580 Square foot new building  
Breathtaking views  
1 bedroom  
1 bathroom  
Full kitchen  
Large living area  
Washer and dryer  
Little Cabin  
600 square foot cabin  
1 bedroom  
1 bathroom  
Kitchen and living area  
Overlooks ¾ acre stocked pond  
Remote setting

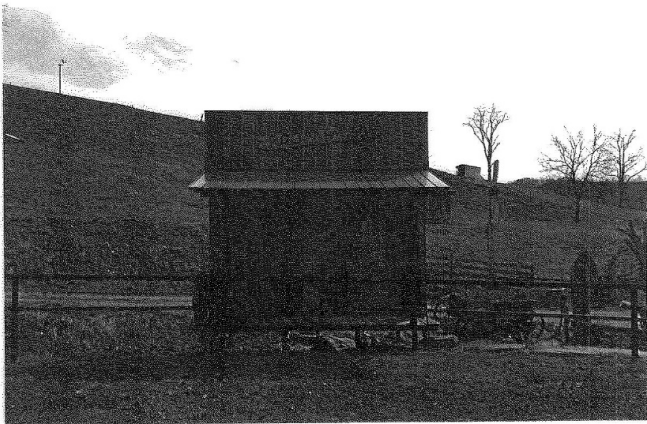


COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont’d

Bunk House  
225 Square foot cabin with loft  
Sleeps 4  
Unique setting with stream running under cabin, just steps away from the outdoor kitchen area and arena



COMPANIES AND ORGANIZATIONS

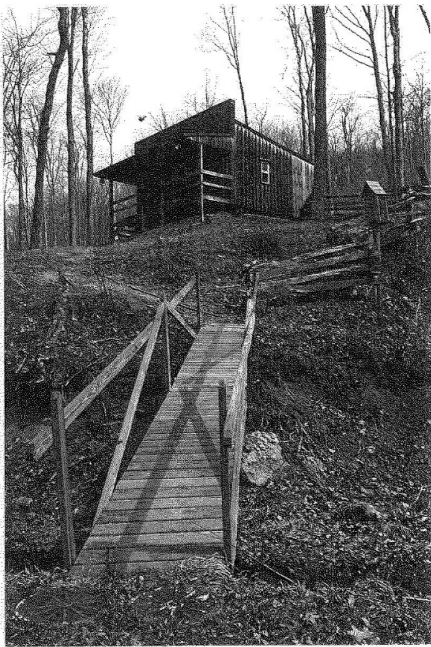
CO11 – Thornburg and Bean (cont’d)

Appendix T

T-130

CO11-2  
cont'd

**Bunk House**  
460 square foot cabin  
Overlooks stream and beautiful wooded area  
Kitchenette  
Full bath  
Large porch  
Fully furnished



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

Camping area

125 square foot covered pavilion  
460 square foot bunk house with full bathroom and kitchenette sleeps 4  
2 camper site with electric and water hook-up  
Professional landscaping featuring 8' waterfall



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

T-132

CO11-2  
cont'd

Campsite  
2 Campsites  
2 ½ acre ponds  
Future cabin site



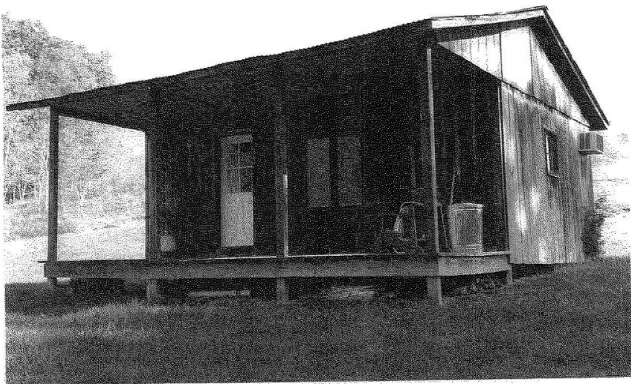
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont’d

Little Cabin

600 square foot cabin  
1 bedroom  
1 bathroom  
Kitchen and living area  
Overlooks ¾ acre stocked pond  
Remote setting



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

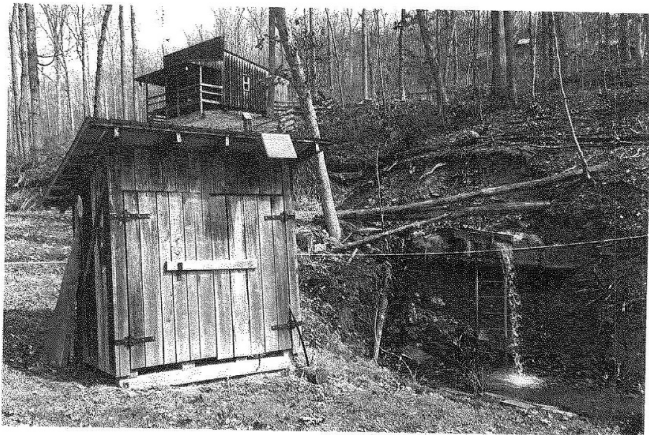
Appendix T

T-134

CO11-2  
cont'd

Maple Syrup

1 mile of line run to maple trees on farm  
8' x 6' building used to hold sap and supplies needed to make syrup





COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

Shop  
60' x 100' 6000 Square foot building  
Concrete floor throughout  
Two garage doors  
Featuring a grease pit  
Apartment with kitchen, bathroom and laundry facilities  
Paved driveway



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

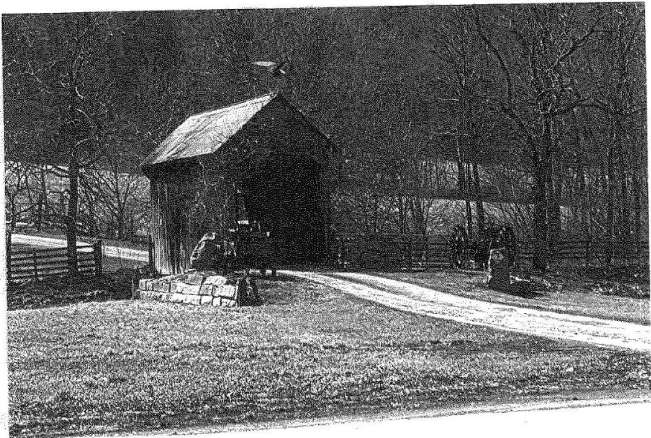
Appendix T

T-136

CO11-2  
cont'd

Covered Bridge

504 square foot covered bridge connecting an estimated 3 miles of well-established private roads used on the farm

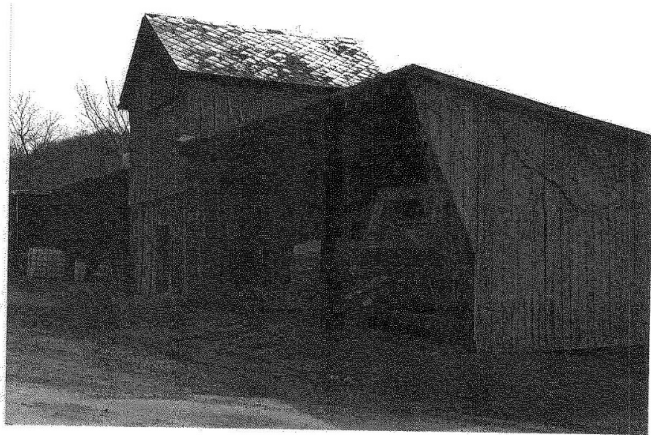


COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

Machine building  
2436 square foot building used to store farm equipment  
6 bays



T-137

Appendix T

COMPANIES AND ORGANIZATIONS

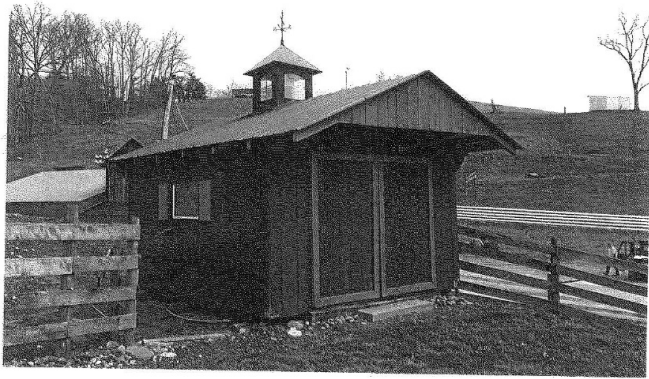
CO11 – Thornburg and Bean (cont’d)

Appendix T

T-138

CO11-2  
cont'd

Garden Shed  
10x15 foot building  
Located at main house

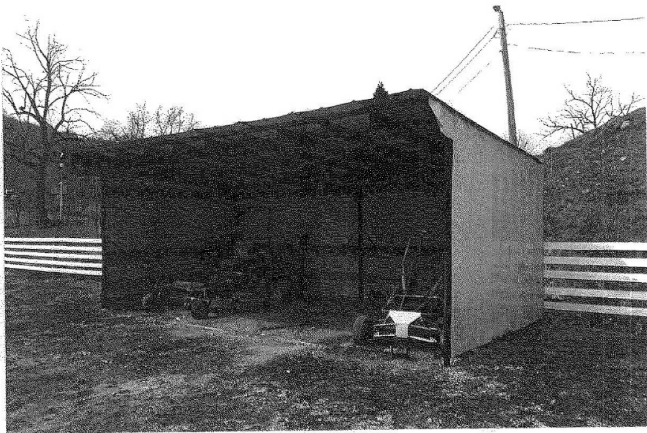


COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

4 Storage buildings  
8' x 20'  
Located throughout farm area  
Can be used for farm equipment, cattle shelter, etc...

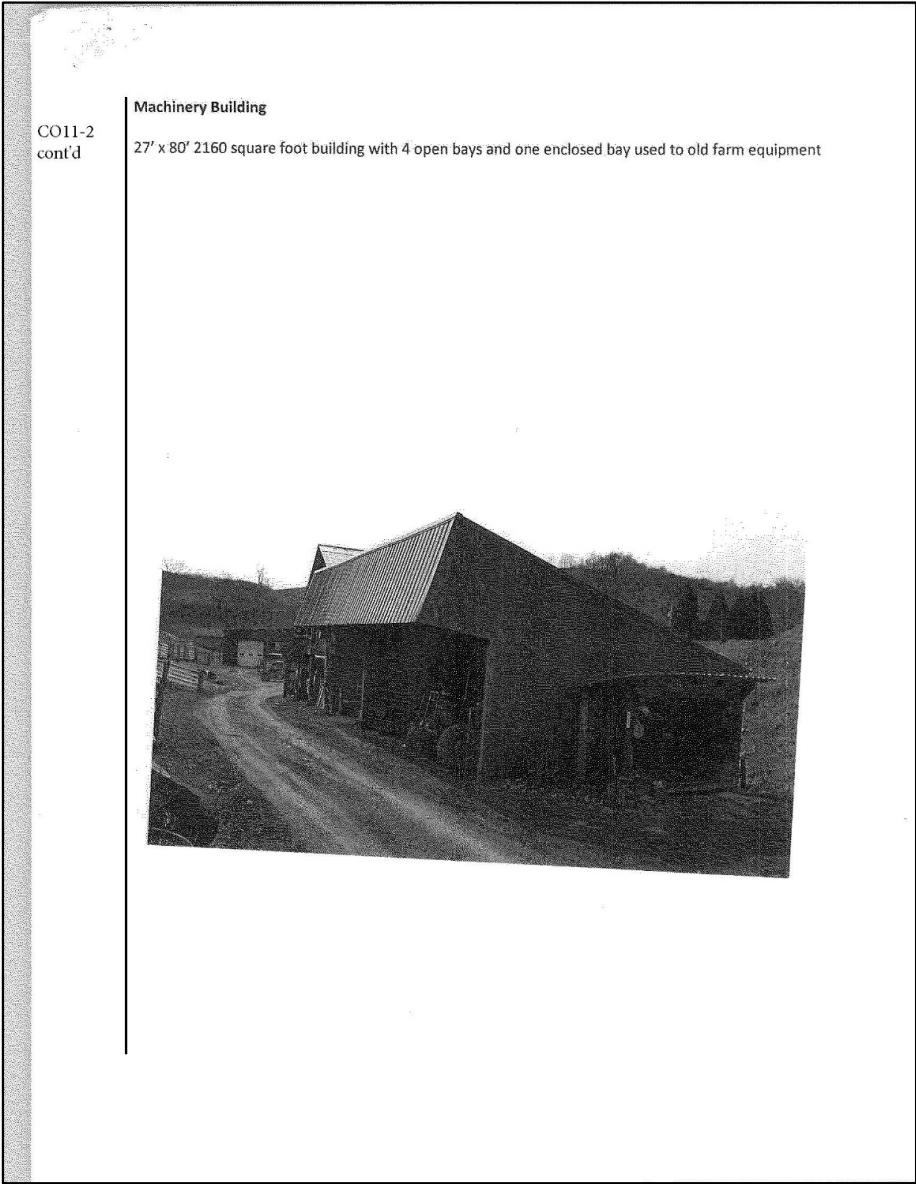


COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

T-140



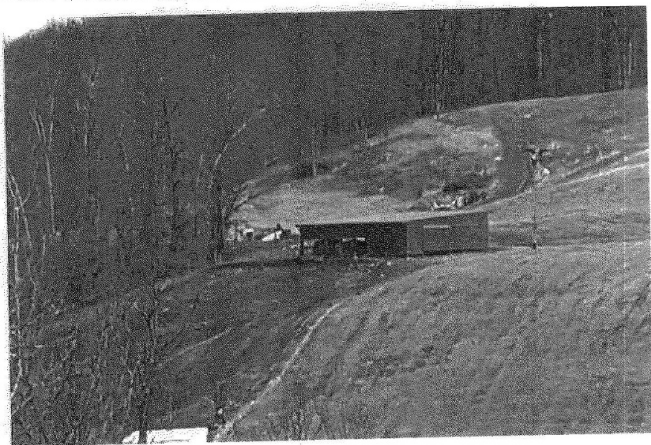
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont'd)

CO11-2  
cont'd

Hay barn

32' x 64' 2050 square foot building



COMPANIES AND ORGANIZATIONS

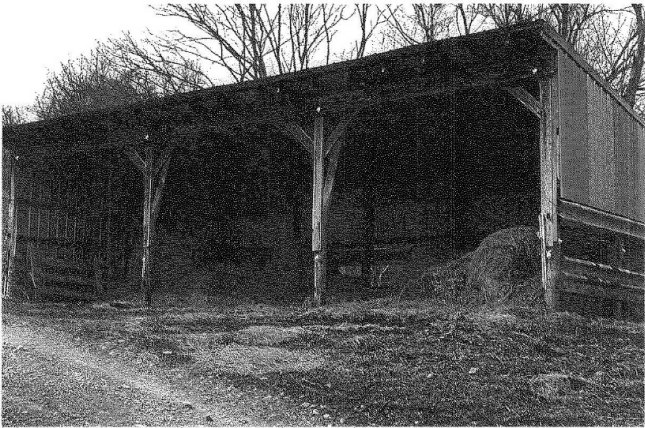
CO11 – Thornburg and Bean (cont’d)

Appendix T

T-142

CO11-2  
cont'd

Hay barn  
15' x 36' 540 Square foot building



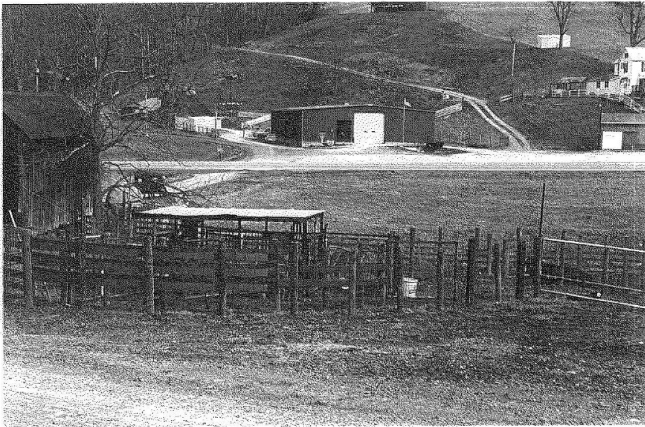


COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont'd)

CO11-2  
cont'd

Feed lot and cattle chute



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

T-144

CO11-2  
cont'd

Feed Lot

2250 square foot stabilized lot  
28' x 28' 784 square foot shelter for hay and cattle



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

Scale house and loading chute

8' x 12' 96 square foot building attached to cattle corral and loading chute



COMPANIES AND ORGANIZATIONS

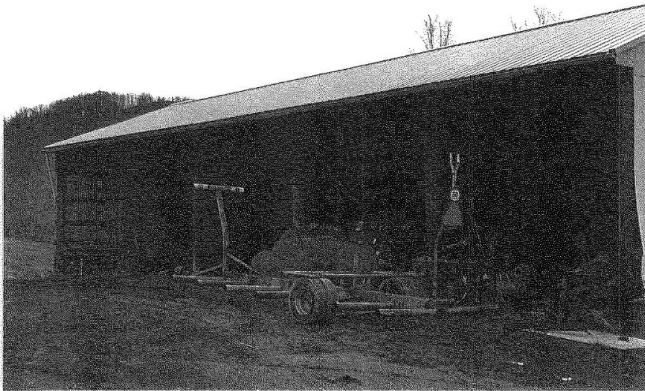
CO11 – Thornburg and Bean (cont’d)

Appendix T

T-146

CO11-2  
cont'd

Hay/Machinery Building  
50' x 71' 3550 square foot 4 large bays used for storing hay and farm equipment



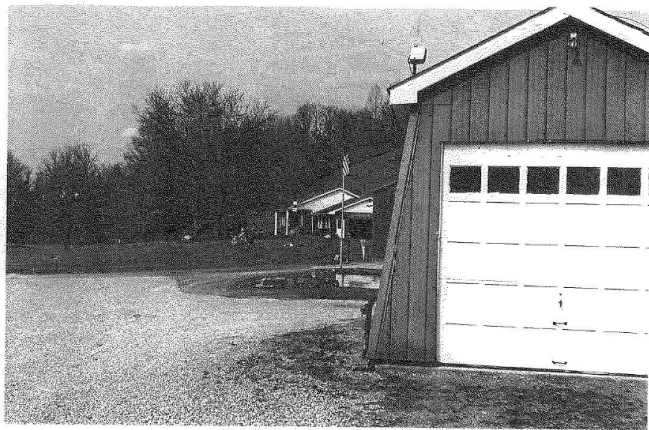
COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Tractor Building

CO11-2  
cont'd

450 square foot garage  
Sets on 1.25 acre stabilized gravel lot



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

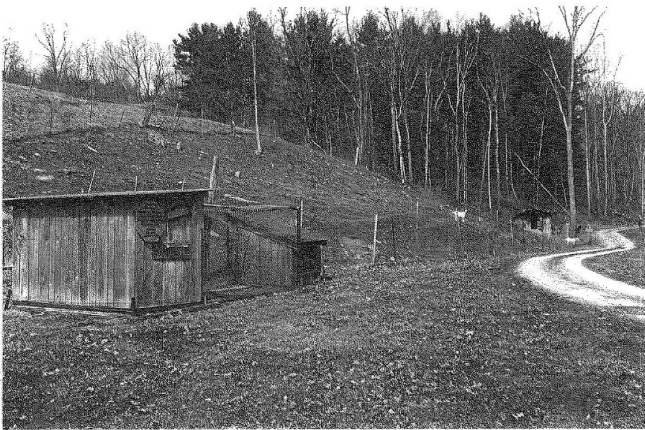
Appendix T

T-148

CO11-2  
cont'd

Chicken coops

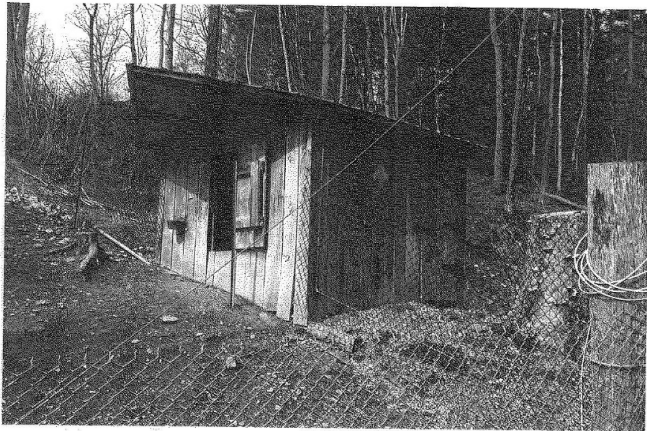
3 chicken coops in 1 acre fenced in area to house free range chickens



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd



COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

Appendix T

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CO11-2  
cont'd

3 gas well

with 1/3 ownership

Produces gas for farm to cook, heat, and run stationary CNG compressor for 2 full size trucks, 1 car, 1 farm tractor, and lawn mower



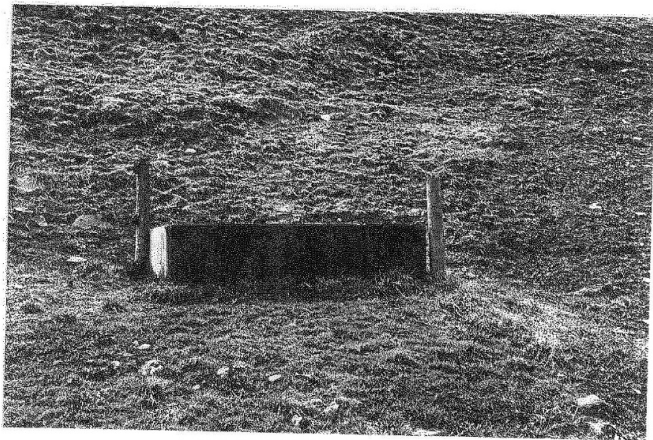


COMPANIES AND ORGANIZATIONS

CO11 – Thornburg and Bean (cont’d)

CO11-2  
cont'd

10 water troughs  
throughout farm all feed by spring water



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Appendix T